

Dear Senators LODGE, Harris, Stennett, and  
Representatives HARRIS, Armstrong, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Public Utilities Commission:

IDAPA 31.00.00 - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking (Docket  
No. 31-0000-1900) - Idaho Public Utilities Commission.

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 07/17/2019. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 08/14/2019.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee

**FROM:** Deputy Division Manager - Katharine Gerrity

**DATE:** June 24, 2019

**SUBJECT:** Public Utilities Commission

IDAPA 31.00.00 - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking (Docket No. 31-0000-1900) - Idaho Public Utilities Commission

The Idaho Public Utilities Commission submits notice of temporary and proposed rule at IDAPA:

- 31.01.01, Rules of Procedure of the Idaho Public Utilities Commission;
- 31.11.01, Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission;
- 31.12.01, Systems of Accounts for Public Utilities Regulated by the Idaho Public Utilities Commission;
- 31.21.01, Customer Relations Rules for Gas, Electric and Water Public Utilities (the Utility Customer Relations Rules);
- 31.26.01, Master-Metering Rules for Electric Utilities;
- 31.31.01, Gas Service Rules;
- 31.36.01, Policies and Presumptions for Small Water Companies;
- 31.41.01, Customer Relations Rules for Telephone Corporations Providing Services in Idaho Subject to Customer Service Regulation by the Idaho Public Utilities Commission;
- 31.46.01, Universal Service Fund Rules;
- 31.46.02, Rules for Telecommunications Relay Services (TRS);
- 31.51.01, Operator Service and Pay Telephone Rules;
- 31.61.01, Rules for the Measurement of Stray Current or Voltage;
- 31.71.01, Railroad Clearance Rules;
- 31.71.03, Railroad Safety and Accident Reporting Rules;
- 31.81.01, Energy Consumption Reporting Rules

According to the commission, the rulemaking adopts and re-publishes existing and previously approved chapters. These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation. According to the commission, rulemaking is authorized pursuant to the general legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code. Chapters 8 through 10, 13, 15 through 17, Title 61, Idaho Code; Chapters 3 and 4, Title 62, Idaho Code; the Telecommunications Act of 1988, as amended, Chapter 6, Title 62; Chapters 12 and 13, Title 62, Idaho Code; and the Public Records

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

Act, Chapter 1, Title 74, Idaho Code; and the particular authority of Sections 56-904, 61-110, 61-111, 61-129, 61-301 through 61-309, 61-315, 61-501 through 61-505, 61-508, 61-510, 61-512, 61-515 through 61-517, 61-520, 61-523, 61-524, 61-538, 61-541, 61-601 through 61-607, 61-610 through 61-619, 61-621 through 61-626, 61-803 through 61-806, 61-902 through 61-905, 61-909, 61-1003 through 61-1005, 61-1007, 61-1305, 61-1306, 61-1603 through 61-1607, 61-1703 through 61-1709, 62-301 through 62-308, 62-424, 62-602 through 62-616A, 62-619, 62-622, 62-622A, 62-1201 through 62-1207, 62-1303, 62-1304, 63-3029I, 67-6528, and 74-107(13), Idaho Code.

cc: Public Utilities Commission  
Diane M. Hanian

**\*\*\* PLEASE NOTE \*\*\***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

# IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-0000-1900

## NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED RULEMAKING

**EFFECTIVE DATE:** The effective date of the temporary rules listed in the descriptive summary of this notice is June 30, 2019.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. These rules are adopted under the general legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code; Chapters 8 through 10, 13, 15 through 17, Title 61, Idaho Code; Chapters 3 and 4, Title 62, Idaho Code; the Telecommunications Act of 1988, as amended, Chapter 6, Title 62; Chapters 12 and 13, Title 62, Idaho Code; and the Public Records Act, Chapter 1, Title 74, Idaho Code; and the particular authority of Sections 56-904, 61-110, 61-111, 61-129, 61-301 through 61-309, 61-315, 61-501 through 61-505, 61-508, 61-510, 61-512, 61-515 through 61-517, 61-520, 61-523, 61-524, 61-538, 61-541, 61-601 through 61-607, 61-610 through 61-619, 61-621 through 61-626, 61-803 through 61-806, 61-902 through 61-905, 61-909, 61-1003 through 61-1005, 61-1007, 61-1305, 61-1306, 61-1603 through 61-1607, 61-1703 through 61-1709, 62-301 through 62-308, 62-424, 62-602 through 62-616A, 62-619, 62-622, 62-622A, 62-1201 through 62-1207, 62-1303, 62-1304, 63-3029I, 67-6528, and 74-107(13), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 31, rules of the Idaho Public Utilities Commission:

### **IDAPA 31**

- 31.01.01, *Rules of Procedure of the Idaho Public Utilities Commission*
- 31.11.01, *Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission*
- 31.12.01, *Systems of Accounts for Public Utilities Regulated by the Idaho Public Utilities Commission*
- 31.21.01, *Customer Relations Rules for Gas, Electric and Water Public Utilities (the Utility Customer Relations Rules)*
- 31.26.01, *Master-Metering Rules for Electric Utilities*
- 31.31.01, *Gas Service Rules*
- 31.36.01, *Policies and Presumptions for Small Water Companies*
- 31.41.01, *Customer Relations Rules for Telephone Corporations Providing Services in Idaho Subject to Customer Service Regulation by the Idaho Public Utilities Commission*
- 31.46.01, *Universal Service Fund Rules*
- 31.46.02, *Rules for Telecommunications Relay Services (TRS)*
- 31.51.01, *Operator Service and Pay Telephone Rules*
- 31.61.01, *Rules for the Measurement of Stray Current or Voltage*
- 31.71.01, *Railroad Clearance Rules*
- 31.71.03, *Railroad Safety and Accident Reporting Rules*
- 31.81.01, *Energy Consumption Reporting Rules*

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the

state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. The Idaho Public Utilities Commission is required to regulate public utilities that provide electric, gas, telephone, water, and rail service. The utilities typically hold monopoly franchises that obligate them to serve all members of the public in a defined service territory. These rules help ensure the utilities safely and reliably serve their customers using just, reasonable, and nondiscriminatory rates and practices.

**FEE SUMMARY:** This rulemaking does not impose a fee or charge.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the Legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the temporary and proposed rules attached hereto.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Stephen Goodson at (208) 334-0323.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 9th of May, 2019.

Diane Hanian  
Commission Secretary  
Idaho Public Utilities Commission  
472 W. Washington Street  
P.O. Box 83720  
Boise, ID 83702  
Phone: (208) 334-0323 Office  
Fax: (208) 334-4045

**IDAPA 31  
TITLE 01  
CHAPTER 01**

**IDAPA 31 – PUBLIC UTILITIES COMMISSION**

**31.01.01 – RULES OF PROCEDURE OF THE IDAHO PUBLIC UTILITIES COMMISSION**

**SUBCHAPTER A -- GENERAL PROVISIONS  
(RULES 0 THROUGH 20)**

**000. LEGAL AUTHORITY (RULE 0).**

These rules are adopted under the general legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code. Chapters 8 through 10, 13, 15 through 17, Title 61, Idaho Code; Chapters 3 and 4, Title 62, Idaho Code; the Telecommunications Act of 1988, as amended, Chapter 6, Title 62; Chapters 12 and 13, Title 62, Idaho Code; and the particular authority of Sections 56-904, 61-304 through 61-309, 61-501 through 61-505, 61-507, 61-516, 61-538, 61-541, 61-601 through 61-607, 61-610 through 61-619, 61-621 through 61-626, 61-803 through 61-806, 61-902 through 61-905, 61-909, 61-1003 through 61-1005, 61-1007, 61-1305, 61-1306, 61-1603 through 61-1607, 61-1703 through 61-1709, 62-304, 62-305, 62-424, 62-602 through 62-616A, 62-619, 62-622, 62-622A, 62-1201 through 62-1207, 62-1303, 62-1304, 63-3029I, and 67-6528, Idaho Code. (4-7-11)

**001. TITLE AND SCOPE (RULE 1).**

The name of this chapter is “Rules of Procedure of the Idaho Public Utilities Commission.” This chapter has the following scope: These rules govern all procedure before the Idaho Public Utilities Commission (the Commission). (7-1-93)

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (6-30-19)T

**003. ADMINISTRATIVE APPEALS (RULE 3).**

There are no provisions for administrative appeals within the Commission under these rules of procedure, except that under Rules 253 and 265 a presiding officer may in the presiding officer’s discretion refer a ruling on evidence or a motion to the full Commission. (7-1-93)

**004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).**

Except as provided by statute and Rules 26, 52, 67, 233, and 287, all materials filed with the Commission pursuant to these rules and all materials issued by the Commission pursuant to these rules are public documents subject to inspection, examination and copying. (4-7-11)

**005. DEFINITIONS (RULE 5).**

Terms of art used throughout these rules are defined within the rules themselves. The term “utility” used in these rules includes every common carrier, pipeline corporation, gas corporation, electric corporation, telephone corporation, and water corporation as defined in Chapter 1, Title 61, Idaho Code, and Section 62-603, Idaho Code. (7-1-93)

**006. -- 009. (RESERVED)**

**010. THESE RULES SUPERSEDE THE ATTORNEY GENERAL'S RULES OF PROCEDURE (RULE 10).**

Except as provided in Rule 401 addressing rulemaking, these rules are affirmatively promulgated to supersede the Idaho Rules of Administrative Procedure of the Attorney General, IDAPA 04.11.01.000 et seq. The Attorney General’s Idaho Rules of Administrative Procedure do not apply to proceedings before the Commission except as provided in Rule 401. (7-1-93)

**011. PROCEEDINGS GOVERNED (RULE 11).**

Rules 11 through 401 govern all procedure before the Idaho Public Utilities Commission (the Commission) in all

investigations, contested cases, licensing, rulemaking, and other matters specifically addressed by these rules, unless otherwise directed by the Commission. (7-1-93)

**012. OFFICE – OFFICE HOURS – FAX NUMBER – MAILING, ELECTRONIC AND STREET ADDRESSES – DROP BOX (RULE 12).**

The principal office of the Commission is in Boise, Idaho. This office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The Commission's telephone number is (208) 334-0300. The hearing or speech impaired may reach the Commission through the Idaho Telecommunications Relay Service by dialing 711. The Commission has no drop box for filing documents after the close of business. (5-8-09)

**01. Fax Number, Mailing and Street Addresses.** The Commission's FAX number is (208) 334-3762. The Commission's mailing address is: Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074. The street address of the Commission is: 472 West Washington, Boise, Idaho 83702-5918. Except as noted in Subsection 012.03 of this rule, all documents filed in all proceedings must be filed with the Commission at one (1) of these addresses. (5-8-09)

**02. Internet Homepage.** The Commission's electronic address is <http://www.puc.idaho.gov>. (5-8-09)

**03. Electronic Address.** The Commission's e-mail address is [secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov), for filing authorized documents per Subsections 061.02 through 061.04. (5-8-09)

**013. LIBERAL CONSTRUCTION (RULE 13).**

These rules will be liberally construed to secure just, speedy and economical determination of all issues presented to the Commission. Unless prohibited by statute, the Commission may permit deviation from these rules when it finds compliance with them is impracticable, unnecessary or not in the public interest. (7-1-93)

**014. COMMISSION SECRETARY -- COMMUNICATIONS WITH COMMISSION -- TIMELY FILING (RULE 14).**

**01. The Commission Secretary.** The Commission Secretary is the custodian of all public files of the Commission and is responsible for service of all orders and notices of the Commission and of all complaints filed with the Commission. Unless otherwise directed by order, the Commission Secretary issues all official notices of the Commission. All written communications and documents that are intended to be part of an official Commission record (other than a hearing record) must be filed with the Commission Secretary. (5-8-09)

**02. Timely Filing.** Unless otherwise provided by statutes, these rules, order or notice, documents are considered filed when received by the Commission Secretary, not when mailed or otherwise transmitted. (5-8-09)

**03. Case Information.** Information concerning proceedings before the Commission or the status of any matter before the Commission is available from the Commission Secretary or the Commission's Internet homepage. (5-8-09)

**015. IDENTIFICATION OF COMMUNICATIONS (RULE 15).**

Parties' communications addressing or pertaining to a given case or proceeding must be written under that case caption and case number. General communications by other persons should refer to case captions, case numbers, permit numbers, or the like, if this information is known. (7-1-93)

**016. SERVICE BY COMMISSION - DESIGNATION OF AGENT (RULE 16).**

The Commission Secretary serves all notices, orders, summonses, and complaints issued by the Commission or by the Secretary. (7-1-93)

**01. Service of Orders and Notices.** All notices and orders served by the Commission may be served by United States mail. Notices and orders may also be served by electronic mail in cases designated by the Commission. Unless otherwise provided by statute, these rules, order or notice, service of orders and notices is complete when a copy, properly addressed and stamped, is either deposited in the United States mail or transmitted electronically. All orders and notices shall be affixed with the Commission Secretary's official service date on the first page. The Commission Secretary will serve all orders and notices in a proceeding on the representatives of each

party designated pursuant to Rule 41 for that proceeding and upon other persons designated by these rules or by the Commission or any Commissioner. (3-16-04)

**02. Service of Summonses and Complaints.** The Commission Secretary will serve complaints against utilities upon the person designated for that purpose by the utility. Summonses and complaints directed to regulated utilities or other persons shall be served by registered or certified mail. Writs of summons or subpoena and warrants of attachments directed to all other persons must be served by a person authorized to serve process by statute or by the Idaho Rules of Civil Procedure. (4-7-11)

**03. Designation of Agent for Service.** All utilities shall designate a person as their agent to be served with summons and complaints. Utilities shall be responsible for maintaining on file with the Commission Secretary the current name, mailing address and e-mail address of the person designated as the agent to receive service. (4-7-11)

**017. COMPUTATION OF TIME (RULE 17).**

Whenever statute, these or other rules, order, or notice requires an act to be done within a certain number of days of a given day, the given day is not included in the count. If the day the act must be done is a Saturday, Sunday or legal holiday, the act may be done on the first day following that is not a Saturday, Sunday or legal holiday. (7-1-93)

**018. PAYMENT OF FEES AND REMITTANCES (RULE 18).**

**01. Payments.** Fees and remittances to the Commission must be paid by money order, bank draft or check payable to "Idaho Public Utilities Commission." Remittances in currency or coin are wholly at the risk of the remitter, and the Commission assumes no responsibility for their loss. (2-15-14)

**02. Annual Regulatory Fees.** Utilities and railroads shall pay their annual special regulatory fees as required by Chapter 10, Title 61 and Section 62-611, Idaho Code. Utilities and railroads that fail to pay their special regulatory fees, are no longer conducting business in Idaho, and fail to maintain a designated agent for service with the Commission Secretary (Subsection 016.03) may be administratively removed from the list of utilities and railroads subject to the annual regulatory fee. (2-15-14)

**019. INCORPORATED BY REFERENCE -- IDAHO BAR COMMISSION RULE (RULE 19).**

Rule 43 incorporates by reference Idaho Bar Commission Rule 227 (Pro Hac Vice Admission). Bar Rule 227 is promulgated by the Idaho State Bar and adopted by order of the Idaho Supreme Court. Bar Rule 227 may be obtained from the Idaho State Bar, PO Box 895, Boise, ID 83701, or online at <http://www.isb.idaho.gov>. Bar Rule 227 is also available for inspection and copying at the Idaho State Law Library or at the offices of the Idaho Public Utilities Commission. (2-15-14)

**020. DISCONTINUANCE OF TELECOMMUNICATIONS SERVICE (RULE 20).**

A telephone corporation that intends to discontinue service in Idaho shall file a notice with the Commission at least ninety (90) days in advance of the date that it intends to cease operations. The telephone corporation proposing to discontinue basic local exchange or message telecommunications services shall also publish a notice of such discontinuance in a legal newspaper circulated in its service area pursuant to Section 62-612, Idaho Code. If the telephone corporation held any customer deposits or advance payments, the telephone corporation shall indicate in the notice how the deposits are to be returned to customers. See also IDAPA 31.41.01, "Customer Relations Rules for Telephone Corporations Providing Services in Idaho Subject to Customer Service Regulation by the Idaho Public Utilities Commission," Section 312 (4-7-11)

**SUBCHAPTER B -- CONTESTED CASES**  
**(RULES 21 THROUGH 400)**

**PART 1 -- DEFINITIONS AND GENERAL PROVISIONS**  
**(RULES 21 THROUGH 100)**

**INFORMAL AND FORMAL PROCEEDINGS**  
**(RULES 21 THROUGH 30)**

**021. INFORMAL PROCEEDINGS DEFINED (RULE 21).**

Informal proceedings are proceedings in cases authorized by statute, rule or order of the Commission to be conducted using informal procedures, i.e., procedures without a record to be preserved for later Commission or judicial review, without the necessity of representation according to Rule 43, without formal designation of parties, without the necessity of presiding officers, or without other formal procedures required by these rules for formal proceedings. Unless prohibited by statute, the Commission may provide that informal proceedings may precede formal proceedings in the consideration of a rulemaking or a case. (7-1-93)

**022. INFORMAL PROCEDURE (RULE 22).**

These rules encourage the use of informal proceedings to settle or determine cases. Unless prohibited by statute, the Commission may provide for the use of informal procedure at any stage of a case. Informal procedure may include individual contacts by or with the Commission staff asking for information, advice or assistance from the Commission staff, or proposing informal resolution of formal disputes. Informal procedures may be conducted in writing, by telephone, or in person. (7-1-93)

**023. FURTHER PROCEEDINGS (RULE 23).**

Except as provided in Rule 24, any person participating in an informal proceeding must be given an opportunity for a later formal administrative proceeding before the Commission, at which time the parties may fully develop the record before the Commission. (7-1-93)

**024. INFORMAL PROCEEDINGS DO NOT EXHAUST ADMINISTRATIVE REMEDIES (RULE 24).**

Unless all parties agree to the contrary in writing, informal proceedings do not substitute for formal proceedings and do not exhaust administrative remedies, and informal proceedings are conducted without prejudice to the right of the parties to present the matter formally to the Commission. The Commission Staff will consider and investigate informal inquiries or complaints without prejudice to the right of the interested persons to present the matter formally to the Commission, unless all affected persons agree in writing to be bound by the informal decision. Settlement offers made in the course of informal proceedings are confidential and shall be excluded from the agency record of any later formal proceedings. Informal procedure is recommended and preferred for informal inquiries or complaints. However, the Commission itself may formally consider any informal inquiry or complaint presented to it or to the Staff. (7-1-93)

**025. FORMAL PROCEEDINGS (RULE 25).**

Formal proceedings, which are governed by rules of procedure other than Rules 21 through 24, must be initiated by a pleading listed in Rules 51 through 58. (7-1-93)

**026. INFORMAL FILES MAY BE INVESTIGATIVE RECORDS (RULE 26).**

Files created by the Commission and its Staff in response to informal inquiries or complaints are investigatory records and are generally exempt from disclosure according to Section 74-105(1), Idaho Code, but are available under Section 74-113(1), Idaho Code, to the customer, applicant, utility, carrier, etc., that are the subjects of the investigation. (4-5-00)

**027. -- 030. (RESERVED)**

**PARTIES -- OTHER PERSONS**  
**(RULES 31 THROUGH 40)**

**031. PARTIES LISTED (RULE 31).**

Parties to proceedings before the Commission are called applicants, petitioners, complainants, respondents, or intervenors. Applicants, petitioners, complainants, and respondents are original parties. On reconsideration parties are called by their original titles listed above. (7-1-93)

**032. APPLICANTS (RULE 32).**

Persons who seek any right, license, award, or authority (except intervenors requesting intervenor funding) from the Commission are called “applicants.” (7-1-93)

**033. PETITIONERS (RULE 33).**

Persons not applicants who seek to modify, amend or stay existing orders or rules, to clarify their rights or obligations under law administered by the Commission, to ask the Commission to initiate a proceeding (other than an application or a complaint), or to otherwise take action that will result in the issuance of an order or rule, but not seeking a right or authority from the Commission, are called “petitioners.” (7-1-93)

**034. COMPLAINANTS (RULE 34).**

Persons charging other person(s) with any act or omission are called “complainants.” In any proceeding which the Commission charges an act or omission, the Commission is called “complainant.” (7-1-93)

**035. RESPONDENTS (RULE 35).**

Persons against whom complaints or petitions are filed or about whom investigations are initiated are called “respondents.” (7-1-93)

**036. INTERVENORS (RULE 36).**

Persons, not original parties to a proceeding, permitted to participate as parties pursuant to Rules 71 through 75, are called “intervenors.” (7-1-93)

**037. COMMISSION STAFF (RULE 37).**

The Commission Staff, without intervention, may appear at any hearing and has all rights of participation as a party to the proceeding. If counsel is desired, a Deputy Attorney General for the Commission represents the Staff. (3-16-04)

**038. RIGHTS OF PARTIES AND OF COMMISSION STAFF (RULE 38).**

Subject to Rules 249, 251 and 261, all parties and the Commission Staff may appear at hearing or argument, introduce evidence, examine witnesses, make and argue motions, state positions, and otherwise fully participate in hearings or arguments. (7-1-93)

**039. PERSONS -- PERSONS NOT PARTIES -- INTERESTED PERSONS -- PUBLIC INVOLVEMENT (RULE 39).**

**01. Persons and Person Not Parties.** The term “person” includes natural persons, partnerships, corporations, associations, municipalities, government entities and subdivisions, and any other entity authorized by law to participate in administrative proceedings. Persons other than the persons named in Rules 32 through 37 are not parties for the purpose of any statute or rule addressing rights or obligations of parties. (2-15-14)

**02. Interested Persons.** Interested persons for purposes of the Commission Secretary’s service of notice under Rules 113, 123, and 202 are municipalities, counties, and chambers of commerce in the area affected by a proceeding and persons who were parties in any proceeding of a similar kind involving the same utility or railroad in the preceding three (3) years. This rule defines interested persons for purposes of Rules 113, 123, and 202, but not for purposes of Section 61-626, Idaho Code. (2-15-14)

**03. Public Involvement.** Persons interested in receiving periodic updates about filings made in certain groups of cases, in individual cases, or the issuance of press releases, orders and notices may subscribe to the Commission’s Rich Site Summary (RSS) feed located on the Commission’s home page at: [www.puc.idaho.gov](http://www.puc.idaho.gov). Subscription to general information will be available at the home page at “Keep Me Updated” and case specific subscription will be available at each case summary page. The Commission’s home page also contains links to other utility or Commission topics. (2-15-14)

**040. (RESERVED)**

**REPRESENTATIVES OF PARTIES  
(RULES 41 THROUGH 50)**

**041. INITIAL PLEADING BY PARTY -- LISTING OF REPRESENTATIVES (RULE 41).**

**01. Designation of Representative Required.** The initial pleading of each party to a proceeding (be it an application, petition, complaint, motion, or answer) must name the party's representative(s) for service and state each representative's mailing and electronic (if available) address for purposes of receipt of all official documents. Service of documents on the named representative(s) by mail or by electronic mail is valid service upon the party for all purposes in that proceeding. If no person is explicitly named as a party's representative, the person signing the pleading will be considered the party's representative. (3-16-04)

**02. Number of Representatives.** No more than two (2) persons may be designated as a party's representatives for purposes of service or receipt of official documents unless otherwise authorized by order. The Commission may condition such an order upon reasonable terms concerning payment of copying costs and mailing costs to additional representatives. (7-1-93)

**042. TAKING OF APPEARANCES (RULE 42).**

The presiding officer at hearing or prehearing conference will take appearances to identify the representatives of all parties at the hearing. Parties whose pleadings have not been received by or distributed to all other parties may be required to state their interests at the hearing. (7-1-93)

**043. REPRESENTATION OF PARTIES (RULE 43).**

Proceedings before the Commission are sometimes administrative in nature or quasi-judicial in nature. General requirements for the representation of parties are outlined below. (2-15-14)

**01. Administrative Proceedings.** Administrative proceedings before the Commission include matters such as the filing of tariff schedules, tariff advices, price lists, certificates to provide local exchange service, interconnection agreements, rulemaking, written comments in modified procedure, or written comments provided at a customer hearing. These filings may be made by a natural person pro se, a partner in a partnership, an employee or officer of a corporation, or a licensed attorney. (4-7-11)

**02. Quasi-Judicial Proceedings.** The representation of parties at quasi-judicial proceedings for the purpose of adjudicating the legal rights or duties of a party is restricted as set out below. Quasi-judicial proceedings before the Commission include matters such as formal complaints, petitions, motions, applications for modified procedure or technical/evidentiary hearings. Representation of parties of these types of proceedings shall be as follows: (4-7-11)

- a.** A natural person may represent himself or herself or be represented by a licensed attorney. (4-7-11)
- b.** A partnership or corporation shall be represented by a licensed attorney. (4-7-11)
- c.** A municipal corporation; a state, federal, tribal, or local government agency; an unincorporated association; a non-profit organization, or other entity shall be represented by a licensed attorney. (4-7-11)

**03. Attorney Representation.** Only an active member of the Idaho State Bar may represent a party as an attorney except as provided by Idaho Bar Commission Rule 227 (Pro Hac Vice Admission). The Commission adopts by incorporation Bar Rule 227 as modified below. (2-15-14)

- a.** Limited admission by out-of-state attorneys will not be necessary in conjunction with administrative proceedings. Out-of-state attorneys representing the same party in one (1) or more quasi-judicial proceedings must request limited admission at least one (1) time per calendar year. (4-7-11)
- b.** An attorney applying for limited admission to appear before the Commission in a representative

capacity shall file a written motion with the Commission Secretary and serve a copy on all parties. The motion shall be substantially in the form set out in Bar Rule 227(j) with references to the Commission instead of the court. (2-15-14)

c. A copy of the written motion shall be submitted to the Idaho State Bar accompanied by the fee prescribed in Bar Rule 227. (2-15-14)

**044. SERVICE ON REPRESENTATIVES OF PARTIES AND OTHER PERSONS (RULE 44).**

From the time a party files its initial pleading in a proceeding, that party must serve and all other parties must serve all future documents listed in Rule 51 upon all other parties' representatives designated pursuant to Rule 41, unless otherwise directed by order or notice or by the presiding officer on the record. The Commission may order parties to serve past documents filed in the case upon those representatives. The Commission may order parties to serve past or future documents filed in the case upon persons not parties to the proceedings before the Commission. (3-16-04)

**045. WITHDRAWAL OF PARTIES (RULE 45).**

Any party must move the Commission in writing or at hearing to withdraw from a proceeding. (7-1-93)

**046. SUBSTITUTION OF REPRESENTATIVE -- WITHDRAWAL OF REPRESENTATIVE (RULE 46).**

A party's representative may be changed and a new representative may be substituted by notice to the Commission and to all other parties so long as the proceedings are not unreasonably delayed. The presiding officer at hearing may permit substitution of representatives at hearing in the presiding officer's discretion. Persons representing a party who wish to withdraw their representation of a party in a proceeding before the Commission must immediately file in writing a notice of withdrawal of representation and serve that notice on the party represented and all other parties. (7-1-93)

**047. CONDUCT REQUIRED (RULE 47).**

Representatives of parties and parties appearing in a proceeding must conduct themselves in an ethical and courteous manner. (7-1-93)

**048. FORMER EMPLOYEES -- RESTRICTION ON REPRESENTATION OF PARTIES (RULE 48).**

No former employee of the Commission or member of the Attorney General's staff may appear in a representative capacity or as an expert witness on behalf of other parties in a formal proceeding in which he or she previously took an active part. (7-1-93)

**049. NOTICE OF PARTIES (RULE 49).**

As reasonably necessary in a proceeding, and in any event, at least once in every proceeding, the Commission Secretary will issue to the parties a notice of parties. The notice of parties will list all parties, their representative(s) under Rule 41, their representative's(s') mailing or electronic address(es), exhibit numbers assigned to the parties, and any other information required by the Commission. The Commission Secretary will maintain on file a current list of all parties to a proceeding and issue a revised notice of parties as reasonably necessary to reflect changes in the previous notice of parties. (4-5-00)

**050. (RESERVED)**

**PLEADINGS -- IN GENERAL  
(RULES 51 THROUGH 60)**

**051. PLEADINGS LISTED -- MISCELLANEOUS (RULE 51).**

Pleadings before the Commission are called applications, petitions, complaints, motions, answers and consent agreements. Affidavits may be filed in support of any pleading. Initial pleadings must comply with Rule 41. All pleadings must be filed in accordance with Rules 61 through 66. A party may adopt or join any other party's pleading. Two (2) or more separately stated grounds, claims or answers concerning the same subject matter may be included in one (1) pleading. (7-1-93)

**052. APPLICATIONS -- DEFINED -- FORM AND CONTENTS (RULE 52).**

All pleadings requesting a right, certificate, permit, or authority from the Commission are called "applications."

Applications must: (2-15-14)

- 01. State Facts.** Fully state the facts upon which they are based, (7-1-93)
- 02. Refer to Provisions.** Refer to the particular provisions of statute, rule, order, or other controlling law upon which they are based, and (7-1-93)
- 03. Pray for the Action Sought.** Request the action desired. (3-16-04)
- 04. Public Information.** Unless otherwise exempted from disclosure by statute, information in applications is public information not exempt from disclosure under Section 74-106(8) and 74-106(9), Idaho Code. (3-16-04)

**053. PETITIONS -- DEFINED -- FORM AND CONTENTS (RULE 53).**

All pleadings requesting: (7-1-93)

- 01. Modification, Amendment or Stay of Existing Orders or Rules.** (7-1-93)
- 02. Clarification or Construction of Orders, Rules or Statute.** (7-1-93)
- 03. Initiation of Proceeding.** The initiation of a proceeding not an application or a proceeding that will lead to the issuance of an order. (7-1-93)
- 04. Reconsideration.** (2-15-14)
- 05. Request for Intervenor Funding.** (2-15-14)
- 06. Intervention are Called “Petitions.”** (2-15-14)
- 07. Form and Content.** Petitions must: (2-15-14)
  - a.** Fully state the facts upon which they are based, (7-1-93)
  - b.** Refer to the particular provisions of statute, rule, order or other controlling law upon which they are based, (7-1-93)
  - c.** Pray for the relief desired, and (7-1-93)
  - d.** State the name of the person petitioned against (the respondent), if any. (7-1-93)

**054. FORMAL COMPLAINTS -- DEFINED -- CONTENTS AND PROCESS (RULE 54).**

All pleadings charging utilities or other person(s) with acts or omissions under law administered by the Commission are called “formal complaints.” Formal complaints must be in writing and: (5-8-09)

- 01. Name the Respondent.** State the name of the utility or person complained against (the respondent). (5-8-09)
- 02. State the Facts.** Fully state the facts constituting the acts or omissions of the utility or person against whom the complaint is filed and the dates when the acts or omissions occurred. (5-8-09)
- 03. Refer to Applicable Provisions.** Refer to the specific provision of statute, rule, order, notice, tariff or other controlling law that the utility or person has violated. (5-8-09)
- 04. State the Relief Desired.** State what action or outcome should be taken to resolve the complaint. (5-8-09)
- 05. Process.** The Commission encourages the use of informal proceeding (see Rules 21 through 26) to

resolve or settle formal complaints. The Commission shall determine how a formal complaint should be processed, e.g., issuance of a summons, open an investigation, informal procedure with Staff. The Commission Secretary may serve a copy of the formal complaint upon the utility or person to which the formal complaint is directed. (5-8-09)

**055. INFORMAL INQUIRIES OR COMPLAINTS (RULE 55).**

Informal inquiries or complaints are addressed in Rules 21 through 26. (7-1-93)

**056. MOTIONS -- DEFINED -- FORM AND CONTENTS -- TIME FOR FILING (RULE 56).**

All other pleadings requesting the Commission to take any other action, except consent agreements or pleadings specifically answering other pleadings, are called "motions." Motions must: (7-1-93)

**01. State the Facts.** Fully state the facts upon which they are based. (7-1-93)

**02. Refer to Provisions.** Refer to the particular provision of statute, rule, order, notice, or other controlling law upon which they are based. (7-1-93)

**03. Pray for the Relief Sought.** If the moving party desires oral argument or hearing on the motion, the moving party must so state in the motion. Any motion to dismiss, strike or limit a complaint or petition must be filed before the answer is due or be included in the answer, if the movant is obligated to file an answer. If a motion is directed to an answer, it must be filed within fourteen (14) days after service of the answer. Other motions may be filed at any time upon compliance with Rule 256. The Commission will act on motions as provided in Rule 256. (7-1-93)

**057. ANSWERS -- DEFINED -- FORM AND CONTENTS -- TIME FOR FILING (RULE 57).**

**01. Answers Defined.** All pleadings responding to the allegations or requests of applications, complaints, petitions or motions are called "answers." All pleadings responding to the allegations or prayers of complaints, petitions or motions are called "answers." (7-1-93)

**02. Answers to Complaints or Petitions.** Answers to complaints or petitions must be filed with the Commission and served on all parties of record within twenty-one (21) days after service of the complaint or petition, unless the Commission modifies the time within which answer may be made or a motion to dismiss is made within twenty-one (21) days. (7-1-93)

**a.** Answers to complaints or petitions must admit or deny each material allegation of the complaint or petition. Any material allegation not specifically admitted shall be considered to be denied. Matters alleged by cross-complaint or affirmative defense must be separately stated and numbered. (7-1-93)

**b.** A party that fails to answer a complaint or petition within the prescribed time will be treated as generally denying the allegations of the complaint or petition and will be precluded, except for good cause shown, from setting up any affirmative defense in the proceeding. In these cases, the Commission may proceed with the matter solely upon the issues set forth in the complaint or petition. The complainant or petitioner must offer evidence of its allegations regardless of whether the complaint or petition is answered or denied. (7-1-93)

**03. Answers to Motions.** Answers to motions may be filed by persons or parties who are the object of a motion or by parties opposing a motion. The person or party answering the motion must do so with all deliberate and reasonable speed. In no event is a party entitled to more than fourteen (14) days to answer a motion or to file a motion for additional time to answer. The Commission may act upon a motion under Rule 256. (7-1-93)

**058. CONSENT AGREEMENTS -- DEFINED -- FORM AND CONTENTS (RULE 58).**

**01. Definition of Consent Agreement.** Agreements between a regulated utility or carrier and the Commission Staff, a customer or another utility or regulated carrier in which one (1) or more parties agree prospectively to engage in certain conduct mandated by statute, rule, order, tariff, or other provision of law, or to refrain from engaging in certain conduct prohibited by statute, rule, order, tariff, or other provision of law, are called "consent agreements." Consent agreements are intended to require compliance with existing law. Settlements of differing positions in ongoing cases under Rules 271 through 277 in the development of new rules, orders, tariffs,

- etc., are not consent agreements. (7-1-93)
- 02. Form and Content of Consent Agreement.** Consent agreements must: (7-1-93)
- a.** Recite Parties. Recite the parties to the agreement; and (7-1-93)
- b.** Statement of Conduct. Fully state the conduct proscribed or prescribed by the consent agreement. (7-1-93)  
In addition, consent agreements may;
- c.** Recite the consequences of failure to abide by the consent agreement; (7-1-93)
- d.** Provide for payment of civil or administrative penalties authorized by law; (7-1-93)
- e.** Provide for payment of reparations of overcharges authorized by law; (7-1-93)
- f.** Provide for loss of rights, licenses, awards or authority; (7-1-93)
- g.** Provide for consent to adjustment of rates, charges, certificates, permits, tariffs, or other action as authorized by law; or (7-1-93)
- h.** Provide that parties waive all further procedural rights (including hearing, consultation with counsel, etc.) with regard to enforcement of the consent agreement. (7-1-93)

**059. -- 060. (RESERVED)**

**FILING, SERVICE, AMENDMENT AND WITHDRAWAL OF DOCUMENTS  
(RULES 61 THROUGH 70)**

**061. FILING DOCUMENTS WITH THE COMMISSION -- NUMBER OF COPIES -- DISCOVERY --  
FACSIMILE (FAX) AND ELECTRONIC FILING (RULE 61).**

The following numbers of documents shall be filed with the Commission Secretary: (5-8-09)

- 01. Printed Filings.** When filing printed material: (4-5-00)
- a.** In utilities cases (other than those cases specified in Subsections 061.01.b. and 061.01.c. of this rule): (5-8-09)
- i.** Pleadings (applications, petitions, complaints, motions, answers and consent agreements)--an original (unbound and unstapled) and seven (7) copies. (5-8-09)
- ii.** Briefs, proposed orders, statements of position, and exceptions under Rule 312--an original (unbound and unstapled) and seven (7) copies. (5-8-09)
- iii.** Prepared testimony and exhibits--nine (9) copies (one (1) copy designated as reporter's copy) plus CD-ROM as required by Rule 231.05. (5-8-09)
- b.** Security issuance cases: (4-5-00)
- i.** Pleadings--an original (unbound and unstapled) and four (4) copies. (5-8-09)
- ii.** Other documents except for discovery-related documents -- three (3) copies. (5-8-09)
- c.** Telecommunication interconnection agreements: (3-16-04)
- i.** Pleadings--an original (unbound and unstapled) and three (3) copies. (5-8-09)

- ii. All other documents -- two (2) copies. (3-16-04)

**02. Filing Discovery.** Discovery-related documents (notice of taking deposition, production requests, written interrogatories, requests for admission, answers to discovery, explanations in lieu of discovery under Rule 225, and objections to discovery) shall be filed in either printed or electronic format. (5-8-09)

- a. If printed filing -- three (3) copies to the Commission Secretary. (5-8-09)

b. If electronic filing -- the discovery document(s) shall be submitted to the Commission Secretary as attachments to an e-mail or placed on a CD-ROM and the CD-ROM is filed with the Secretary. The electronic discovery documents shall be in a computer searchable form of Adobe Acrobat in portable document format (PDF) without password protection. The transmitting e-mail or CD-ROM shall be labeled with the case number, case name, and the name of the person and the party submitting the discovery. (5-8-09)

**03. FAX and Electronic Filings.** Notices of withdrawal of party or of withdrawal of representative, stipulations, and documents requiring emergency or immediate action by the Commission may be filed with the Commission Secretary as an attachment to an e-mail or by facsimile transmission (FAX). The attached electronic document shall be in a computer searchable form of Adobe Acrobat (PDF) without password protection. Whenever any such document is filed by electronic mail or by FAX, the required number of printed documents per Subsection 061.01 must be delivered to the Commission by overnight mail on the next working day. The use of electronic mail or FAX is prohibited to file prepared testimony and exhibits, discovery-related documents or any other documents except as authorized by this paragraph. (5-8-09)

**04. Reducing the Number or Changing the Form of Filing.** The Commission Secretary is authorized to reduce the number of required copies or allow electronic copies to be filed in lieu of a printed original or copies. (5-8-09)

## **062. FORM OF DOCUMENTS (RULE 62).**

**01. Information to be Listed.** All documents listed in Rule 61 submitted by a party and intended to be part of the record must: (7-1-93)

a. Be submitted on white eight and one-half inch by eleven inch (8 1/2" by 11") paper copied on either one (1) side or both sides (duplexed); (5-8-09)

b. State the case caption, case number and title of the document; (7-1-93)

c. Include on the upper left corner of the first page: (3-16-04)

i. The name(s); (3-16-04)

ii. Mailing, street and e-mail address(es); and (3-16-04)

iii. Telephone and FAX number(s) of the person(s) filing the document or the person(s) to whom questions about the document can be directed; and (3-16-04)

d. Have at least one-inch (1") left and top margins. (7-1-93)

**02. Example.** These documents complying with this rule will be in the following form:

Name of Representative (State Bar No. if applicable)  
Mailing Address of Representative  
Street Address of Representative (if different)  
Telephone Number of Representative  
FAX Number of Representative (if there is one)  
E-mail address (if available)  
Attorney/Representative (for Name of Party)

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

(Title of Proceeding)

)  
)  
)

CASE NO. ABC-X-XX-XX  
TITLE OF DOCUMENT

(5-8-09)

**03. Identification of Parties.** Every document filed under this rule must identify the party filing it in its title. The party must be identified by both the party's designation as a party (e.g., intervenor) and the party's name. For example, the Intervenor ABC Company would title its motion to strike as "Motion to Strike of Intervenor ABC Company." A short title of the document must appear at the bottom left corner of each page of the document. For example, the short title of the motion above could be: "ABC's Motion to Strike." (7-1-93)

**04. Original Documents.** All original documents filed with the Commission Secretary shall be unbound and unstapled. Copies of original documents may be bound or stapled. (5-8-09)

**063. SERVICE ON PARTIES AND OTHER PERSONS (RULE 63).**

**01. Service in General.** All documents referred to in Rule 61 (except as noted below) must be served upon the representatives of every party of record concurrently with filing with the Commission Secretary. When a document has been filed with the Commission Secretary by FAX or electronic mail, it must be served upon all other parties with FAX facilities or by electronic mail, respectively. For parties without electronic capability, service shall be made by overnight mail, hand delivery, or the next best available service if these services are not available. The Commission may direct that some or all of these documents be served on interested or affected persons who are not parties. The Commission Secretary's notice of parties (and revisions to it) will list all persons whom the parties must serve and their representatives as of the date of the notice or its revision. (5-8-09)

**02. Service by Electronic Mail.** The Commission may direct or the parties may agree that service among parties be accomplished by electronic mail. (5-8-09)

**03. Service of Discovery.** The service of discovery documents on parties shall be accomplished by electronic mail (as attachments to e-mail). For parties without electronic mail capability, service shall be made by overnight mail, hand delivery, or the next best available service if these services are not available. See Rule 229. (5-8-09)

**064. PROOF OF SERVICE (RULE 64).**

Every document that is filed with the Commission and intended to be part of the record for decision must be attached to or accompanied by proof of service by the following or similar certificate: (7-1-93)

I HEREBY CERTIFY (swear or affirm) that I have this day of, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names)).  
(Signature)

Each certificate of service must individually list the names and addresses of each person served. (7-1-93)

**065. DEFECTIVE, INSUFFICIENT OR LATE PLEADINGS (RULE 65).**

Defective, insufficient or late pleadings may be returned or dismissed, except that applications under Rule 121 cannot be dismissed during the period of suspension of rates under Rule 123, but can only be returned for correction once the suspension period has begun. (7-1-93)

**066. AMENDMENTS TO PLEADINGS (RULE 66).**

The Commission may allow any pleading to be amended or corrected or any omission to be supplied. Pleadings will

be liberally construed, and defects that do not affect substantial rights of the parties will be disregarded. (7-1-93)

**067. INFORMATION EXEMPT FROM PUBLIC REVIEW -- DEFINITIONS -- FORM -- PROCEDURES (RULE 67).**

**01. Definitions.** (4-5-00)

**a.** “Trade secrets” filed with the Commission are exempt from public inspection, examination, and copying pursuant to Section 74-107(1), Idaho Code. Trade secrets means information, including a formula, pattern, compilation, program, computer program, device, method, technique, process, or unpublished or in progress research that: (4-5-00)

i. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and (4-5-00)

ii. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. (4-5-00)

**b.** “Confidential information” means information, documents, or records filed with the Commission that are specifically exempt from public inspection, examination and copying pursuant to Sections 74-104 through 74-109, Idaho Code. (4-5-00)

**02. Form.** In addition to the requirements of Rule 62 (except Subsection 062.01.a.), information that is alleged to be trade secrets, confidential or otherwise exempt from public disclosure shall be served upon the Commission and other parties who have entered into a protective agreement pursuant to Subsection 067.04 in either printed or electronic format. (4-5-00)

**a.** If in printed form, the page(s) containing the trade secret or confidential information shall be reproduced on yellow paper. Each page shall be marked as “TRADE SECRETS” or “CONFIDENTIAL.” See Rule 61 for the number of printed copies. (5-8-09)

**b.** If in electronic form, the trade secret or confidential information shall be reproduced separately on a CD-ROM or other electronic storage format approved by the Commission Secretary; and not included with other material electronically filed. Each CD-ROM or other storage device containing trade secret or confidential information shall be clearly identified with the case caption, case number, title of document and marked as “TRADE SECRETS” or “CONFIDENTIAL.” (5-8-09)

**03. Procedure.** Whenever a party believes that information contained in pleadings or other documents are trade secrets, confidential or otherwise exempt from public disclosure, the attorney of such party designated by Rule 41 must state in writing that the information is protected by law from public inspection, examination or copying, citing the specific grounds and legal authority for that assertion. Documents containing trade secrets or confidential information shall be separated from documents not containing trade secrets or confidential information. Trade secrets or confidential information contained in documents will be removed and replaced with a page marked: “This page allegedly contains trade secrets or confidential material and is separately filed.” All materials for which no assertion of protection from public inspection, examination and copying is made will be placed in files available for public inspection. Trade secrets, confidential information and other records exempt from public inspection shall be separately stored in a secured location with limited access and safeguarded from unauthorized disclosure. (4-5-00)

**04. Protective Agreements.** In proceedings before the Commission involving trade secrets or other confidential information, parties may enter into protective agreements to facilitate and safeguard the exchange of necessary information. Protective agreements may include procedures for copying, exchanging, serving, safeguarding, or challenging the characterization of trade secrets or confidential information. The Commission shall not be a party and will not be bound by the terms of a protective agreement. (4-5-00)

**068. WITHDRAWAL OF PLEADINGS (RULE 68).**

A party desiring to withdraw a pleading must file a notice of withdrawal of the pleading with the Commission and

serve all parties with it. Unless otherwise ordered by the Commission, the notice is effective fourteen (14) days after filing. (3-30-01)

**069. -- 070. (RESERVED)**

**INTERVENTION -- PUBLIC WITNESSES  
(RULES 71 THROUGH 80)**

**071. ORDER GRANTING INTERVENTION NECESSARY (RULE 71).**

Persons not original parties to a proceeding who claim a direct and substantial interest in the proceeding may petition for an order from the Commission granting intervention to become a party. (7-1-93)

**072. FORM AND CONTENTS OF PETITIONS TO INTERVENE (RULE 72).**

Petitions to intervene must comply with Rules 41, 61, and 62. The petition must set forth the name and address of the petitioner and clearly and concisely state the direct and substantial interest of the petitioner in the proceeding. If affirmative relief is sought, the petition must state the relief sought and the basis for granting it. Petitions for intervenor funding should be made in a separate document from the petition to intervene. (2-15-14)

**073. TIMELY FILING OF PETITIONS TO INTERVENE (RULE 73).**

Petitions to intervene must be filed at least fourteen (14) days before the date set for hearing or prehearing conference, whichever is earlier, unless a different time is provided by order or notice. Petitions not timely filed must state a substantial reason for delay. The Commission may deny or conditionally grant petitions to intervene that are not timely filed for failure to state good cause for untimely filing, to prevent disruption, prejudice to existing parties or undue broadening of the issues, or for other reasons. Intervenors who do not file timely petitions are bound by orders and notices earlier entered as a condition of granting the untimely petition. (7-1-93)

**074. GRANTING PETITIONS TO INTERVENE (RULE 74).**

If a petition to intervene shows direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues, the Commission or the presiding officer will grant intervention, subject to reasonable conditions. If it later appears that an intervenor has no direct or substantial interest in the proceeding, or that the intervention is not in the public interest, the Commission may dismiss the intervenor from the proceeding. (7-1-93)

**075. ORDERS GRANTING INTERVENTION -- OPPOSITION (RULE 75).**

No order granting a petition to intervene will be acted upon fewer than seven (7) days after its filing, except in a hearing in which any party may be heard. Any party opposing a petition to intervene must do so by motion in opposition filed within seven (7) days after receipt of the petition to intervene and served upon all parties of record and upon the person petitioning to intervene. (7-1-93)

**076. PUBLIC WITNESSES (RULE 76).**

Persons not parties and not called by a party who testify at hearing are called "public witnesses." Public witnesses do not have parties' rights to examine witnesses or otherwise participate in the proceedings. Subject to Rules 249 and 251, public witnesses have a right to introduce evidence at hearing by their written or oral statements and exhibits introduced at hearing, except that public witnesses offering expert opinions at hearing or detailed analysis or detailed exhibits must comply with Rule 231 with regard to filing and service of testimony and exhibits to the same extent as witnesses of parties. Public witnesses' written or oral statements and exhibits are subject to examination and objection. (4-5-00)

**077. -- 100. (RESERVED)**

**PART 2 - SPECIFIC REQUIREMENTS OF CERTAIN FILINGS -- RELATED RULES**  
**(RULES 101 THROUGH 200)**

**PETITIONS FOR DECLARATORY ORDERS**  
**(RULES 101 THROUGH 110)**

**101. FORM AND CONTENTS OF PETITION FOR DECLARATORY ORDERS (RULE 101).**

- form.
- 01. Form of Petition.** Any person petitioning for a declaratory ruling must substantially follow this (7-1-93)
  - 02. Contents of Petition.** The petition shall: (7-1-93)
    - a.** Identify the petitioner and state the petitioner’s interest in the matter, (7-1-93)
    - b.** State the declaratory ruling that the petitioner seeks, and (7-1-93)
    - c.** Indicate the statute, order, rule, or other controlling law, and the factual allegations upon which the petitioner relies to support the petition. Legal assertions in these paragraphs may be accompanied by citations of cases and/or statutory provisions. (7-1-93)

**102. NOTICE OF PETITION FOR DECLARATORY ORDERS (RULE 102).**

Notice of petition for declaratory ruling will be issued to all affected utilities. Orders disposing of the petition will be served on all affected utilities. (4-5-00)

**103. -- 110. (RESERVED)**

**APPLICATIONS FOR CERTIFICATES OF CONVENIENCE AND NECESSITY**  
**(RULES 111 THROUGH 120)**

**111. FORM AND CONTENTS -- NEW UTILITY (RULE 111).**

Applicants for the issuance of a certificate of convenience and necessity for a new utility under Section 61-526, Idaho Code, or Commission order, must submit the data required by this rule (where relevant) with their applications. (4-5-00)

- 01. Name, Address and Form of Business.** (7-1-93)
  - a.** If the applicant is a sole proprietor: (7-1-93)
    - i.** The name, business address, and electronic address (if available) of the applicant; and (4-5-00)
    - ii.** The business name (including “doing business as” (dba)) of the sole proprietorship. (3-16-04)
  - b.** If the applicant is a partnership: (7-1-93)
    - i.** A list of the names, business addresses, and electronic addresses (if available) of all the partners; (4-5-00)
    - ii.** The business name (including dba) of the partnership. (3-16-04)
  - c.** If the applicant is a corporation or limited liability company (LLC): (2-15-14)
    - i.** A short statement of the character of public service in which it may engage; (7-1-93)
    - ii.** The name of the entity (including dba) and the state in which it is incorporated or organized;

(2-15-14)

- iii. Its principal business address, its principal business address within Idaho, and electronic address (if available); (4-5-00)
- iv. A certified copy of its articles of incorporation or its certificate of organization if an LLC; and (2-15-14)
- v. If not incorporated or organized in Idaho, a certificate of authority from the Idaho Secretary of State, a certificate of good standing issued by the secretary of state of the state in which it is incorporated or organized, and the name and address of its registered agent for service in Idaho. (2-15-14)

**02. Written Explanation Why Service Is Proposed.** A statement or prepared testimony and exhibits explaining why the proposed utility service is or will be in the public convenience and necessity. (7-1-93)

**03. Proposed Operations.** A full description of the proposed location, route or routes of the utility service, including a description of the manner of construction, and the names of all public utilities, corporations, or persons with whom the proposed new utility is likely to compete. (7-1-93)

**04. Maps.** A map of suitable scale showing the location of the utility service and its relation to other public utilities in the area that offer or provide similar utility service. (7-1-93)

**05. Financing of Construction.** A statement of the manner in which the applicant proposes to finance new utility service construction, the time when the applicant proposes to begin construction and the time when the applicant proposes to begin service. (7-1-93)

**06. Cost of Service.** Estimates of the cost of extending to and the annual cost of serving the territory for which the certificate is sought, of the number of service connections already made or to be made, of the annual revenue from them or expected annual revenue from them, and of anticipated rates and charges. (7-1-93)

**07. Financial Statement.** A financial statement of the applicant. (7-1-93)

**112. FORM AND CONTENTS -- EXISTING UTILITY (RULE 112).**

Existing utilities applying for the issuance of or the amendment of a certificate of convenience and necessity under Section 61-526, Idaho Code, must submit the following data (where relevant): (4-5-00)

**01. Statement and Explanation.** A statement or prepared testimony and exhibits explaining why the proposed construction or expansion is or will be in the public convenience and necessity. (7-1-93)

**02. Description of Construction or Expansion.** A full description of the proposed construction or expansion, including the manner of construction or expansion, and if an expansion, the names of all public utilities, corporations, or persons with whom the expanded utility is likely to compete. (7-1-93)

**03. Map.** A map of suitable scale showing the location of the construction or expansion and its relation to other public utilities in the area(s) that offer or provide similar utility service. (7-1-93)

**04. Financial Statement and Construction Timelines.** A statement of the manner in which the applicant proposes to finance the construction or expansion, the time when the applicant proposes to begin the construction or expansion, and the time when the applicant proposes to complete the construction or expansion. (7-1-93)

**05. Cost Estimates and Revenue Requirements.** Estimates of the cost of the construction or expansion, the number of additional customers to be served by the construction or expansion, the revenues to be derived from the construction or expansion, and of the effects of the construction or expansion on revenue requirements. (7-1-93)

**113. NOTICE OF APPLICATION -- ORDERS (RULE 113).**

Notice of application for a certificate of convenience and necessity will be issued to all interested persons in all cases in which statute requires formal consideration of the application or in which the Commission intends to conduct formal proceedings to consider the application. (4-5-00)

**114. APPLICATION FOR NEW COMPETITIVE LOCAL EXCHANGE CARRIER (CLEC) – FORM AND CONTENT (RULE 114).**

The Commission issues Certificates of Public Convenience and Necessity to competitive local exchange carriers (CLECs) seeking to provide local exchange services in Idaho. The Commission uses the certification process to register and review applications to provide local telecommunications services. See Commission Order No. 26665 issued November 7, 1996. Each CLEC application shall include the following information: (5-8-09)

**01. Name, Address and Form of Business.** (5-8-09)

**a.** If the applicant is the sole proprietor, provide the name and business address of the applicant and the business name of the sole proprietorship. (5-8-09)

**b.** If the applicant is a partnership, provide a list of the names and business addresses of all the partners, and the business name of the partnership. (5-8-09)

**c.** If the applicant is a corporation or limited liability company (LLC), along with the entity's name (and dba, if any), provide, if applicable: (2-15-14)

i. A short statement of the character of public service in which it is engaged; (5-8-09)

ii. The name of the entity (including dba, if any) and the state in which it is incorporated or organized; (2-15-14)

iii. Its principal business address and its principal address within Idaho; (5-8-09)

iv. A certified copy of its articles of incorporation or its certificate of organization if an LLC; (2-15-14)

v. The names and addresses of the officers and directors of applicant; (5-8-09)

vi. The names and addresses of subsidiaries owned or controlled by applicant; (5-8-09)

vii. If not incorporated or organized in Idaho, a certificate of authority from the Idaho Secretary of State, a certificate of good standing issued by the secretary of state in the state it is incorporated or organized, and the name and address of its registered agent for service in Idaho; and (2-15-14)

viii. The name and address of any corporation, association, or similar organization holding a five percent (5%) or greater ownership or a managerial interest in the applicant, and indicate the amount and character of the ownership interest. Include a copy of any management agreement with the application. (5-8-09)

**02. Services and Territory.** The application shall include: (5-8-09)

**a.** A written description of customer classes and customer services that the applicant proposes to offer to the public. The application shall indicate the date on which the applicant proposes to begin construction or anticipates it will begin to provide service in Idaho. (5-8-09)

**b.** A description sufficient for determining whether service is to be offered in a particular location and the names of incumbent local exchange corporations (ILECs) with whom the proposed utility is likely to compete. The application shall include a description of the intended manner of service, e.g., resold services or facilities-based services; and a general description of the property owned or controlled by applicant. (5-8-09)

**c.** A map of reasonable size and detail showing where the applicant is proposing to provide service including exchanges (if different from existing exchanges), rural zones, and local calling areas. If the service area is

identical to an incumbent LEC's service area, then applicant may refer to the incumbent's service area. (5-8-09)

**03. Financial Information.** (5-8-09)

**a.** The application shall provide the current detailed balance sheets, including a detailed income and profit and loss statements of applicant reflecting current and prior year balance for the twelve (12) months ending as of the date of the balance sheet, or if not readily available, for the period since the close of the preceding calendar year. If a balance sheet and income statement are not available, the applicant shall submit financial data sufficient to establish it possesses adequate financial resources to provide the proposed services. (5-8-09)

**b.** The application shall include the latest annual report, if any. (5-8-09)

**04. Tariffs and Price Lists.** The application shall include proposed initial tariffs or price sheets setting forth rates, rules, terms, and regulations applicable to the contemplated service. Initial tariffs and price lists filings shall be in an electronic form as well as paper. The tariffs and price lists in electronic format will be in computer searchable Adobe Acrobat (PDF), or submitted on a CD-ROM or other format as prescribed by the Commission Secretary. (5-8-09)

**05. Tariff and Customer Contact.** The application shall include the name, address, and telephone number for those persons responsible for tariff and price list questions, as well as customer complaints and inquiries. The application shall state the toll-free telephone number for customer inquiries and complaints. (5-8-09)

**06. Interconnection Agreements.** The application shall state whether the applicant has initiated interconnection negotiations and, if so, when and with whom. Include copies of any interconnection contracts which have been completed for the provision of telecommunication services. (5-8-09)

**07. Compliance with Commission Rules.** The application shall contain a written statement that the applicant has reviewed all of the Commission's rules and agrees to comply with them, or include a request for waiver of those rules believed to be inapplicable. (5-8-09)

**08. Conservation of Telephone Numbers.** The application shall contain a written statement acknowledging that non-paging telecommunications carriers with telephone numbering resources in Idaho shall be subject to numbering conservation measures including mandatory one thousand (1,000) block pooling. See Commission Order No. 30425. All CLECs shall evaluate their numbering resources and donate to the numbering resource pool unused one thousand (1,000) number blocks and one thousand (1,000) number blocks that have fewer than ten percent (10%) of the telephone numbers assigned. Applicable carriers shall also file the necessary utilization reports with NeuStar and semi-annual report their number resource utilization/forecast (NRUF) data at the one thousand (1,000) block level for each rate center within their service territory. The Federal Communications Commission has appointed NeuStar to manage the assignment and conservation of telephone area codes and telephone numbers in North America. (5-8-09)

**115. -- 120. (RESERVED)**

**APPLICATIONS TO CHANGE RATES OR RULES  
(RULES 121 THROUGH 130)**

**121. FORM AND CONTENTS OF APPLICATION TO CHANGE RATES (RULE 121).**

**01. Utility Applications to Change Rates.** Applications by any public utility subject to Title 61, Idaho Code, to increase, decrease or change any rate, fare, toll, rental or charge or any classification, contract, practice, rule or regulation resulting in any such increase, decrease or change must include the following data: (4-7-11)

**a.** An exhibit showing in full each proposed change in rates, tolls, rentals, charges, rules or regulation by striking over proposed deletions to existing tariffs and underlining proposed additions or amendments to existing tariffs, except applications to increase or decrease all or almost all rates and charges by a uniform percentage or by a uniform amount may be made by filing a tariff listing the proposed change and all unchanged rates and charges or rates and charges not changed by a uniform percentage or a uniform amount, or by use of another designation

previously approved by the Commission that clearly calls attention to all proposed changes in numbers or wording. (7-1-93)

**b.** If the application is subject to Rule 122, a complete justification of the proposed increase in the form of testimony and exhibits or a narrative exposition. (7-1-93)

**c.** If the application is subject to Rule 122, a statement showing how and when the application has been or will be brought to the attention of affected customers and a copy of the press release and customer notice required by Rule 125. (2-15-14)

**d.** A statement that the applicant stands ready for immediate consideration of the application. (7-1-93)

**e.** If the application is subject to Rule 122, testimony and exhibits showing financial statements, cost of capital and appropriate cost of service studies. (7-1-93)

**f.** Workpapers or documentation showing how test year data were adjusted. (7-1-93)

**g.** If the applicant provides utility service in states other than Idaho or utility service subject to federal regulation, a jurisdictional separation of all investments, revenues and expenses allocated or assigned in whole or in part to Idaho intrastate utility business regulated by this Commission showing allocations or assignments to Idaho. (7-1-93)

**02. Proposals Based upon Computer Modeling.** In addition, in any application in which a computer model is used to represent or simulate processes from which the revenue requirement is derived or upon which allocations of the revenue requirement to different customer classes are based, complete documentation of all those computer models must be supplied to the Staff, upon request, and be available in the utility's office or other depository. The Staff may request that the computer model itself be provided. A computer model includes the representation or simulation of a process, but does not mean or include the compilation of actual data. The application must state that the documentation of the models already on file in the applicant's office or other depository fully describes the models or that necessary updates or additions to previous documentation that will fully describe the models is on file and will be supplied on request. (4-5-00)

**03. Grounds for Returning or Dismissing Application.** Failure to comply with Rule 121.01 and 121.02 of this rule is grounds to return or dismiss an application under Rule 65. (7-1-93)

## **122. NOTICE OF INTENT TO FILE A GENERAL RATE CASE (RULE 122).**

**01. Which Utilities Must File Notice.** Utilities with annual gross revenues from retail customers in the State of Idaho exceeding three million dollars (\$3,000,000) must file with the Commission a "notice of intent to file a general rate case" at least sixty (60) days before filing a general rate case. If the general rate case described in the notice is not filed within one-hundred twenty (120) days after filing of the notice of intent to file a general rate case, by operation of this rule a notice of intent to file a general rate case will be considered withdrawn unless it is supplemented with a written statement that the utility still intends to file a general rate case of the kind described in its notice of intent to file a general rate case. (7-1-93)

**02. Exceptions for Trackers or Annual Cost Adjustments.** This rule applies only to general rate increases. Examples of cases outside the scope of this rule include (but are not limited to) fuel cost adjustments (e.g., PGA), power cost adjustment (PCA), commodity or purchased power tracker rate increases, emergency or other short-notice increases caused by disaster or weather-related or other conditions unexpectedly increasing a utility's expenses, rate increases designed to recover governmentally-imposed increases in costs of doing business, such as changes in tax laws or ordinances, or other increases designed to recover increased expenses arising on short notice and beyond the utility's control. (5-8-09)

## **123. PROPOSED CHANGES TO RATES OR RULES -- EFFECTIVE DATE -- NOTICE OF APPLICATION -- SUSPENSION (RULE 123).**

**01. Statutory Notice of Rate Changes.** No application by any public utility to change any rate, fare,

toll, rental, charge or classification, or any rule, regulation, or contract relating to or affecting any rate, fare, toll, rental, charge, classification, or service, or in any privilege or facility, can be effective unless notice is given to the Commission and the public pursuant to Section 61-307, Idaho Code. If the application for such a change proposes an effective date fewer than thirty (30) days after the application is filed, the effective date of the change is delayed until thirty (30) days after the application is filed by operation of Section 61-307, Idaho Code, unless the Commission by order approves an earlier effective date for good cause shown. In the absence of an order approving or suspending any or all such proposed changes, the changes not suspended or approved go into effect thirty (30) days after filing or on their proposed effective date, whichever is later. If no effective date is proposed for the changes, the changes do not go into effect until approved by order. (4-5-00)

**02. Notice of Application.** Within twenty-one (21) days of the date of any application to change any rate, fare, toll, charge, or classification, or any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification, or service, or in any privilege or facility, the Commission Secretary will issue a notice of application to all interested persons, unless notice is issued pursuant to modified procedure or the application is earlier approved or described by order. (4-5-00)

**03. Suspension of Proposed Rate Changes.** At any time before proposed changes take effect pursuant to Sections 61-307, Idaho Code and Rule 123.01 of this rule, the Commission may suspend the effectiveness of the changes pursuant to Sections 61-622, Idaho Code. Whenever the Commission suspends proposed changes for less than the maximum period of suspension allowed by statute, it may extend the period of the suspension to the statutory maximum consistent with the statutory standards. (7-1-93)

**124. DESIGNATION AS GENERAL RATE CASE IN NOTICE OF APPLICATION (RULE 124).** When a notice of application designates a proceeding as a general rate case, all persons are thereby put upon notice that the following are at issue and the Commission may make decisions addressing them, whether the notice explicitly repeats the following or not: (7-1-93)

**01. Revenue Requirement.** The utility's Idaho intrastate revenue requirement, and every component of it, both rate base and expense, are at issue. The Commission may grant, deny, or modify the revenue requirement requested and may find a revenue requirement different from that proposed by any party is just, fair and reasonable. (7-1-93)

**02. Rates, Charges, and Service.** The rates and charges of all Idaho retail customers, both recurring and non-recurring, including those of special contract customers, are at issue, and every component of every existing and proposed rate and charge is at issue. The Commission may approve, reject or modify the rates and charges proposed and may find that rates and charges different from those proposed by any party are just, fair and reasonable. (7-1-93)

**a.** The Commission may approve, reject or modify existing or proposed relationships between and among rates and charges within, between or among customer classes or rate groupings and may approve, reject or modify existing or proposed relationships among and between customer classes or rate groupings. (7-1-93)

**b.** The Commission may abolish, reduce or create rate blocks or categories of rates and charges, abolish, create or reduce components of rates and charges, abolish, reduce or create customer classes or rate groupings, and abolish, reduce or create absolute or relative differences among and between existing classes or rate groupings of customers. (7-1-93)

**c.** The tariffs, practices, rules and regulations, service, instrumentalities, equipment, facilities, classifications, and customer relations of the utility are at issue, and the Commission may address any of them in its order. (7-1-93)

**125. NOTICES TO CUSTOMERS OF PROPOSED CHANGES IN RATES (RULE 125).**

**01. Customer Notice of a Change in Rates.** (4-7-11)

**a.** If a utility is requesting a rate increase, the utility shall issue a customer notice to each customer. The customer notice shall include a brief explanation of the utility's need for additional revenue and the dollar

amount requested. The notice shall give the proposed overall percentage change from current rates as well as the proposed percentage increase in revenue for each major customer class. (4-7-11)

**b.** If the utility is requesting a rate decrease, the utility shall issue a customer notice to each customer. The customer notice shall include a brief explanation of the reason for the decrease, the overall dollar amount of the proposed decrease, and the proposed percentage decrease for each major customer class. (4-7-11)

**c.** The customer notice shall make it clear that the application is a proposal, subject to public review and a Commission decision. It shall also inform customers that a copy of the utility's application is available for public review at the offices of both the Commission and the utility, and on the Commission's homepage at [www.puc.idaho.gov](http://www.puc.idaho.gov). (2-15-14)

**d.** The customer notice shall inform customers that written comments regarding the utility's application may be filed with the Commission. It shall also inform customers that they may subscribe to the Commission's RSS feed (Subsection 039.03) to receive periodic updates via e-mail about the case. (2-15-14)

**02. Timing of Notice for Trackers or Annual Cost Adjustments.** Tracker adjustments occasioned by federal action that result in an increase or decrease in rates may be brought to the attention of customers in compliance with this rule after approval by the Commission. Other tracker or annual cost adjustment cases that result in an increase in rates remain subject to the requirements of advance notice contained in this rule. Other tracker or annual cost adjustment cases that result in a decrease in rates may be brought to the attention of customers in compliance with this rule after being approved by the Commission. (4-7-11)

**03. Timely Distribution of Customer Notices.** The customer notices referred to in Subsection 125.01 may be mailed separately to customers or included in the customer's regular bill as a bill stuffer. At the customer's option, the customer notice may be provided electronically. The information required by this rule is to be clearly identified, easily understood, and pertain only to the proposed rate change. Distribution of customer notices shall commence when the utility files its application or as soon as possible thereafter. (2-15-14)

**04. Press Release.** In instances covered by Subsection 125.01, the utility shall also send a press release containing, at minimum, the same information presented in the customer notices to all newspapers, radio, and television stations listed on the Commission's news organization list for that utility. The press releases shall be mailed or delivered simultaneously with filing of the application. (5-8-09)

**05. Filing of a Press Release and Customer Notice.** A copy of the press release and customer notice shall be filed with the application. (5-8-09)

**06. Purposes and Effects of This Rule.** The purposes of Subsections 125.01 through 125.05 of this rule are to encourage wide dissemination to customers of information concerning proposed rate changes for utility services. It is not a purpose of these subsections to create due process or other procedural rights in customers by expanding, contracting, or otherwise modifying the notice and due process rights of customers under the Public Utilities Law and the Commission's Rules of Procedure, IDAPA 31.01.01. Accordingly, Subsections 125.01 through 125.05 of this rule create no individual procedural rights in any customer for notice that would give rise to a due process or other procedural claim cognizable by the Commission, but failure to comply with Subsections 125.01 through 125.05 of this rule can be grounds for returning an application for incompleteness. (5-8-09)

## **126. APPLICATION TO APPROVE INTERCONNECTION AGREEMENTS (RULE 126).**

**01. Uncontested Agreements.** A telephone corporation may file an application for the Commission to approve voluntarily negotiated, adopted or amended interconnection agreements pursuant to Section 252 of the federal Telecommunications Act of 1996, <http://www.fcc.gov/telecom.html>. The Commission acts on adopted or negotiated interconnection agreements and uncontested amendments to previously approved agreements with the assistance of an ex parte recommendation of the Commission Staff. (5-8-09)

**02. Contested Agreements.** Petitions to arbitrate, mediate or otherwise resolve interconnection disputes between or among telecommunication carriers shall be processed under Rule 53. (3-16-04)

**127. PUBLIC WORKSHOPS ON APPLICATIONS TO INCREASE RATES (RULE 127).**

**01. Public Workshop.** When a public utility files an application to increase any rate, fare, toll, rental or charge regarding any classification or service, the Commission will determine if the staff should conduct a public workshop. The purpose of any workshop is for the staff to dispense information concerning the utility's application and to receive written or oral comments from the public prior to the staff filing testimony or comments in the case. (3-16-04)

**02. Notice and Location of Workshop.** Notice of the public workshop shall be disseminated a minimum of seven (7) days prior to the workshop to newspapers of general circulation and radio and television stations in the affected area. The Commission shall determine the location for the workshop within the area served by the public utility. The notice shall also be posted on the Commission's website. (3-16-04)

**03. Exemptions.** The requirements of Subsection 127.01 shall not apply to applications regarding uniform statewide surcharges under Sections 56-904, 62-610 and 62-610F, Idaho Code, or to utility tariff advices. (5-8-09)

**128. -- 130. (RESERVED)**

**TARIFF SCHEDULES  
(RULES 131 THROUGH 140)**

**131. FORM OF TARIFFS (RULE 131).**

Tariff schedules of utilities must show the designation "Idaho Public Utilities Commission" on their title page. A blank space approximately three by one and one-half inches (3" x 1-1/2") must be provided for the Commission's stamp of approval in the upper right or lower right corner of each schedule filed. (4-5-00)

**132. NUMBER OF TARIFF COPIES FILED (RULE 132).**

The Commission encourages public utilities to file their tariff schedules via electronic mail. (3-16-04)

**01. Electronic Tariffs.** For electronically filed tariffs, each utility shall submit its tariff schedules prepared in searchable Adobe Acrobat in portable document format (PDF) as an attachment to an e-mail, [secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov), message sent to the Commission Secretary. Electronic tariff schedules may also be submitted as PDF documents on appropriately formatted CD-ROM or other electronic storage format approved by the Commission Secretary. (5-8-09)

**02. Printed Tariffs.** To file printed tariffs, each utility shall file an original and two (2) copies of their tariff schedules with the Commission Secretary. (3-16-04)

**03. Approval.** The Commission will stamp its approval in the space provided on each copy of an approved tariff, placing the original in its files and returning one (1) copy to the public utility. (3-16-04)

**133. TARIFFS SUBMITTED PURSUANT TO ORDER (RULE 133).**

**01. Order May Require Submission of Tariffs.** When the Commission directs or authorizes by order that certain tariffs be filed, the order may require the tariff submissions to the Commission to be accompanied by appropriate explanatory documents, summaries, workpapers, or similar material. When the Commission authorizes a utility to file new tariffs pursuant to order in a general rate case, the Commission may require the utility to file a complete set of tariffs containing both pages with changed rates and charges and those without. (7-1-93)

**02. Staff Review of Tariffs Filed Pursuant to Order.** When a utility files tariffs with the Commission pursuant to an order of the Commission in a proceeding in which other persons are party, the responsibility for reviewing the tariff submission to determine whether it complies with the Commission's order is upon the Commission Staff, which shall promptly report to the Commission whether the tariffs do comply. The review of tariffs filed pursuant to order is an ex parte, ministerial responsibility of the Commission Staff. Tariffs may be approved in the minutes of the Commission's decision meetings or by minute entry after Staff review without further

order. (5-8-09)

**03. Motions With Regard to Tariffs Submitted Pursuant to Order.** If the Commission has approved tariffs, parties or persons contending that approved tariffs are inconsistent with the Commission's orders may file appropriate motions asking that approval be reviewed. (7-1-93)

**134. TARIFF ADVICES (RULE 134).**

**01. Tariff Advices Authorized.** Public utilities may file tariffs adding new or modifying existing services, providing for new or modified rules, or otherwise making minor changes to existing schedules by tariff advice. The tariff advice must include a letter of transmittal from the utility listing all tariff pages changed or added by the tariff advice and stating briefly the reason for filing the tariff advice. If existing tariffs are changed, the advice must contain two (2) copies of each changed page: one (1) showing all the changes with appropriate symbols for deletions, additions, etc., and one (1) showing the pages after the changes as they will appear in the proposed new tariffs. (7-1-93)

**02. Filing of Tariff Advice.** No tariff advice can be effective unless notice is given to the Commission and the public pursuant to Sections 61-307 and 61-622, Idaho Code. If the tariff advice proposes an effective date fewer than thirty (30) days after it is filed, the effective date of the tariff is delayed until thirty (30) days after the tariff advice is filed by operation of Sections 61-307 and 61-622, Idaho Code, unless the Commission by order approves an earlier effective date for good cause shown. In the absence of an order approving or suspending the tariff advice, the tariff advice not suspended or approved goes into effect thirty (30) days after filing or on the proposed effective date, whichever is later. If no effective date is proposed for the tariff advice, the tariff advice does not go into effect until approved by order or minute entry. If a tariff advice is suspended, the Commission will open a formal proceeding and treat the tariff advice as an application. (7-1-93)

**03. Ex Parte Action.** Ordinarily, the Commission acts upon tariff advices with the assistance of a written ex parte recommendation of the Commission Staff. The Commission acts upon tariff advices at its open meetings. (5-8-09)

**135. -- 140. (RESERVED)**

**APPLICATIONS FOR APPROVAL TO ISSUE SECURITIES  
(RULES 141 THROUGH 150)**

**141. FORM AND CONTENTS OF APPLICATION TO ISSUE SECURITIES (RULE 141).**

Except as provided in Rule 142, 147 or Section 61-909, Idaho Code, any utility applying to issue securities under Sections 61-901 through 61-904, Idaho Code, must submit an application with the following information: (4-5-00)

- 01. Description.** A general description of the applicant's field of operations. (7-1-93)
- 02. A Full Description of the Securities.** Including the proposed: (7-1-93)
  - a.** Amount; (7-1-93)
  - b.** Interest or dividend rates; (7-1-93)
  - c.** Date of issue (or statement that the securities will be a shelf registration); (7-1-93)
  - d.** Date of maturity; (7-1-93)
  - e.** Voting privileges; (7-1-93)
  - f.** Call or redemption provisions; and (7-1-93)
  - g.** Sinking fund or other provisions for securing payment. (7-1-93)

- 03. A Statement of the Proposed.** (7-1-93)
- a. Method of marketing; (7-1-93)
  - b. Terms of sale; (7-1-93)
  - c. Underwriting discounts or commissions; (7-1-93)
  - d. Sale price; and (7-1-93)
  - e. Net proceeds to the applicant, including itemized statements of all fees and expenses (estimated if not known) to be paid in connection with the proposed transaction. (7-1-93)

**04. A Statement of the Purposes.** Statement of the purposes for which the proceeds from the securities will be used, including: (7-1-93)

- a. A description of the property to be acquired or constructed and a statement of its cost or value (estimated if not known); (7-1-93)
  - b. A description of obligations to be refunded or expenditures for which reimbursement is intended; (7-1-93)
- or
- c. Other information advising the Commission of the nature and purposes of the proposed transaction. (7-1-93)

**05. Statement of Explanation.** A statement explaining why the proposed transaction is consistent with the public interest and necessary or appropriate for or consistent with the applicant's proper performance of service as a public utility. (7-1-93)

**06. Financial Statement.** A financial statement showing the authorized and outstanding classes of the applicant's securities and certified copies of the resolutions of stockholders or directors authorizing the proposed transaction and other instruments relating to the transaction. (7-1-93)

**07. Proposed Order.** A proposed order granting the application, captioned proposed order of applicant, suitable for adoption by reference if the application is granted. (7-1-93)

**08. Statement of Public Notice Application.** A statement that notice of the application has been published in those newspapers in general circulation in the applicant's service area in Idaho or nearest applicant's service area in Idaho or will be published within seven (7) days of the application. These newspapers are: the Coeur d'Alene Press (Coeur d'Alene), the Idaho Business Review (Boise), the Idaho State Journal (Pocatello), the Idaho Statesman (Boise), the Lewiston Morning Tribune (Lewiston), the Post Register (Idaho Falls), the Preston Citizen (Preston), the Bonner County Daily Bee (Sandpoint), and the Times News (Twin Falls). The Commission may require the applicant to furnish further necessary information. (7-1-93)

**142. APPLICATIONS FILED WITH OTHER AGENCY (RULE 142).**

If the applicant files a similar application with any federal or other state agency, it may file a copy of the federal or other state application in lieu of the application required by this rule. The Commission may require the applicant to furnish further necessary information. (7-1-93)

**143. REPORTS (RULE 143).**

When the information becomes available, the applicant must file with the Commission a verified report or a copy of a verified report filed with another regulatory agency showing the amount realized by the applicant, including the itemized costs and expenses incurred in connection with the transaction. (7-1-93)

**144. HEARING -- MODIFIED PROCEDURE -- SUMMARY ACTION (RULE 144).**

The Commission may consider applications to issue securities without hearing, place the matter on modified

procedure, or set the matter for formal hearing. (7-1-93)

**145. REQUESTS FOR EXPEDITIOUS ACTION (RULE 145).**

If a pleading requests the Commission to issue an order authorizing issuance of securities sooner than thirty (30) days after initial filing with the Commission, each copy of the pleading making that request must be accompanied by a cover letter stating the following:

ATTENTION COMMISSION SECRETARY AND HEAD LEGAL SECRETARY:

(Name of party) requests that the Commission issue an Order approving issuance of these securities on or before (date).

(4-5-00)

**146. FEES MUST BE PAID BEFORE ORDER ISSUED (RULE 146).**

No orders authorizing security issuances will be issued until fees required by Section 61-905, Idaho Code, are paid.

(7-1-93)

**147. EXEMPTION (RULE 147).**

Pursuant to Section 61-909, Idaho Code, the Commission may, by order, exempt any security or a class of security or a class of public utility from the provisions of Sections 61-902 through 61-905, Idaho Code, if it finds the public interest will not be adversely affected. See Commission Order No. 26959.

(4-5-00)

**148. -- 150. (RESERVED)**

**CABLE POLE ATTACHMENTS  
(RULES 151 THROUGH 160)**

**151. TIMETABLE FOR DECISION -- CABLE POLE ATTACHMENT PROCEEDINGS (RULE 151).**

Whenever a public utility, as defined in Section 61-538, Idaho Code, and a cable television company, as defined in Section 61-538, Idaho Code, are unable to agree upon the rates, terms, or conditions for pole attachments or the terms, conditions, or cost of production of space needed for pole attachments, and either the public utility or the cable television company files an application, complaint, or petition asking the Commission to establish and regulate rates, terms, or conditions, the Commission shall decide the case within thirty (30) days; provided, the Commission shall have the right, upon reasonable notice, to enter upon a hearing concerning the propriety of such proposed rate, term, or condition and to extend its period for considering the application, complaint, or petition an additional thirty (30) days plus five (5) months and, for good cause shown on the record, an additional sixty (60) days.

(7-1-93)

**152. RULES OF PROCEDURE TO BE USED (RULE 152).**

These Rules of Procedure apply to all proceedings concerning the rates, terms, or conditions for cable pole attachments, provided, that any such proceeding, whether denominated an application, complaint or petition, shall be processed according to the timetable of Rule 151.

(7-1-93)

**153. -- 160. (RESERVED)**

**APPLICATIONS FOR INTERVENOR FUNDING  
(RULES 161 THROUGH 170)**

**161. CASES IN WHICH INTERVENORS MAY APPLY FOR FUNDING (RULE 161).**

In any case involving regulated electric, gas, water or telephone utilities with gross Idaho intrastate annual revenues exceeding three million five hundred thousand dollars (\$3,500,000), intervenors may apply for intervenor funding.

(3-16-04)

**162. FORM AND CONTENTS OF PETITION FOR INTERVENOR FUNDING (RULE 162).**

A petition for intervenor funding must contain the following:

(2-15-14)

- 01. Itemized List of Expenses.** An itemized list of expenses that the intervenor requests to recover

broken down into categories such as legal fees, witness fees, or reproduction fees. Legal and witness fees shall, where applicable, indicate hourly rates. (4-5-00)

**02. Statement of Proposed Findings.** A statement of the intervenor's proposed finding or recommendation that the intervenor wishes the Commission to adopt. (7-1-93)

**03. Statement Showing Costs.** A statement showing that the costs that the intervenor proposes to recover are reasonable in amount. (7-1-93)

**04. Explanation of Cost Statement.** A statement explaining why the costs described in Rule 162.01 constitute a significant financial hardship for the intervenor. (4-5-00)

**05. Statement of Difference.** A statement showing how the intervenor's proposed finding or recommendation in the case differs materially from the testimony and exhibits of the Commission Staff. (4-5-00)

**06. Statement of Recommendation.** A statement showing how the intervenor's recommendation or position addressed issues of concern to the general body of utility users or consumers, and (7-1-93)

**07. Statement Showing Class of Customer.** A statement showing the class of customer on whose behalf the intervenor appeared. (7-1-93)

**163. PROHIBITION ON APPLICATION BY COMPETITOR (RULE 163).**

No intervenor in direct competition with a public utility involved in a proceeding is entitled to intervenor funding for that proceeding. (7-1-93)

**164. TIME TO APPLY (RULE 164).**

Unless otherwise provided by order, an intervenor requesting intervenor funding must apply no later than fourteen (14) days after the last evidentiary hearing in a proceeding or the deadline for submitting briefs, proposed orders, or statements of position, whichever is last. Motions in opposition to intervenor funding must be filed within fourteen (14) days after the request for intervenor funding is filed. (7-1-93)

**165. AWARDS (RULE 165).**

**01. Order Awarding Intervenor Funding.** The Commission may by order award intervenor funding pursuant to Section 61-617A, Idaho Code. The total award for all intervening parties combined shall not exceed forty thousand dollars (\$40,000) in any proceeding. The Commission must find that: (3-16-04)

- a. The intervenor's presentation materially contributed to the Commission's decision, (7-1-93)
- b. The costs of intervention awarded are reasonable in amount, (7-1-93)
- c. The costs of intervention were a significant hardship for the intervenors, (7-1-93)
- d. The recommendations of the intervenor differed materially from the testimony and exhibits of the Commission Staff, and (7-1-93)
- e. The intervenor addressed issues of concern to the general body of users or consumers. (7-1-93)

**02. Payment of Awards.** Awards of intervenor funding must be paid within twenty-eight (28) days of the order of the Commission awarding intervenor funding, unless the order of the Commission is stayed. (7-1-93)

**03. Recovery of Awards of Intervenor Funding.** Awards of intervenor funding paid by electric, gas, water or telephone utilities will be an allowable business expense in the pending rate case or, if the proceeding is not a rate case, in the utility's next rate case. Awards of intervenor funding shall be chargeable to the class of customers represented by the intervenors. (7-1-93)

**166. -- 200. (RESERVED)**

**PART 3 -- POST-PLEADING PROCEDURE  
(RULES 201 THROUGH 300)  
MODIFIED PROCEDURE  
(RULES 201 THROUGH 210)**

**201. SCOPE OF MODIFIED PROCEDURE (RULE 201).**

The Commission may preliminarily find that the public interest may not require a hearing to consider the issues presented in a proceeding and that the proceeding may be processed under modified procedure, i.e., by written submissions rather than by hearing. (4-5-00)

**202. NOTICE OF MODIFIED PROCEDURE (RULE 202).**

**01. Notice of Modified Procedure.** When the Commission finds that it may not be in the public interest to hold a hearing in a matter, notice of modified procedure will be issued. It will: (7-1-93)

- a.** Describe the issues presented in the proceeding; (7-1-93)
- b.** Summarize the moving party's justification for the proposed changes and its position; (7-1-93)
- c.** State that the Commission finds that it may be in the public interest not to hold a hearing in the proceeding and will not do so unless it receives written protests or comments opposing the use of modified procedure and stating reasons why modified procedure should not be used; and (7-1-93)
- d.** Establish the deadline for filing written protests or comments, and a reply by the moving party. (5-8-09)

**02. Distribution of Notice.** Copies of the notice of modified procedure will be provided to all interested persons, including newspapers, municipalities, counties, and chambers of commerce located within the territorial scope of the application, petition or complaint whose readers, citizens or members may be affected by the proceedings and to all parties. Unless otherwise provided by the notice of modified procedure, all interested persons will have at least twenty-one (21) days from the date of the notice to file a written protest or comment. (4-5-00)

**203. PROTESTS AND COMMENTS (RULE 203).**

Any person affected by the proposal of the moving party may file a written protest, support or comment before the deadline of the notice of modified procedure. Protests, supports and comments must contain a statement of the reasons for the protest, support or comment, but need not ask for a hearing. Persons desiring a hearing must specifically request a hearing in their written protests or comments. A copy of the person's protest, support or comment must be served on the representative of the moving party. (4-5-00)

**204. ACTION BY COMMISSION (RULE 204).**

If no protests, supports or comments are received within the deadline, the Commission may consider the matter and enter its order without a hearing. If protests, supports, comments or a reply are filed within the deadlines, the Commission will consider them and may set the matter for hearing or may decide the matter and issue its order on the basis of the written positions before it. (5-8-09)

**205. -- 210. (RESERVED)**

**PREHEARING CONFERENCES  
(RULES 211 THROUGH 220)**

**211. PURPOSES OF PREHEARING CONFERENCES (RULE 211).**

The Commission may by order or notice issued to all parties and to all interested persons as defined in Rule 39 convene a prehearing conference for the purposes of formulating or simplifying the issues, obtaining concessions of

fact or of identification documents to avoid unnecessary proof, scheduling discovery, arranging for the exchange of proposed exhibits or prepared testimony, limiting witnesses, scheduling hearings, establishing procedure at the hearings, discussing settlement offers or making settlement offers, and addressing other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. (7-1-93)

**212. NOTICE OF PREHEARING CONFERENCES (RULE 212).**

Notice of the place, date and hour of a prehearing conference will be served at least fourteen (14) days before the time set for the conference, unless the Commission finds by order that the public necessity requires the conference to be held earlier. Notices for prehearing conferences must contain the same information as notices of hearing with regard to the Commission's obligations under the Americans with Disabilities Act. See Rule 242. (7-1-93)

**213. RECORD OF CONFERENCE (RULE 213).**

Prehearing conferences may be held formally (on the record) or informally (off the record) before or in the absence of a Commissioner or hearing examiner, according to order or notice. Agreements by the parties to the conference may be recorded by the reporter during formal conferences or may be reduced to writing and filed with the Commission Secretary after formal or informal conferences. (7-1-93)

**214. ORDERS RESULTING FROM PREHEARING CONFERENCES (RULE 214).**

The Commission may issue a prehearing order or notice based upon the results of the agreements reached at a prehearing conference. The order or notice will bind all persons who could have participated in the prehearing conference, but did not, and all those who later file untimely interventions. A prehearing order will control the course of subsequent proceedings unless modified by the Commission for good cause. (7-1-93)

**215. CONFERENCE PROCEEDINGS PRIVILEGED (RULE 215).**

Facts disclosed, offers made and all other aspects of negotiation (except agreements reached) in prehearing conferences are privileged and are not part of the record. Except by agreement, facts disclosed cannot be used against participating parties, before the Commission or elsewhere, unless proved by independent evidence. Offers made and other aspects of negotiations or settlement other than a final agreement itself are privileged. (3-16-04)

**216. -- 220. (RESERVED)**

**DISCOVERY -- RELATED PREHEARING PROCEDURE  
(RULES 221 THROUGH 240)**

**221. KINDS AND SCOPE OF DISCOVERY LISTED (RULE 221).**

The kinds of discovery recognized and authorized by these rules are: (7-1-93)

**01. Depositions.** (7-1-93)

**02. Production Requests or Written Interrogatories.** (7-1-93)

**03. Requests for Admission.** (7-1-93)

**04. Subpoenas.** (7-1-93)

**05. Statutory Examination and Audit.** Unless otherwise provided by these rules, order, or notice, the scope and procedure of discovery, other than statutory examination and audit, is governed by the Idaho Rules of Civil Procedure. (See Idaho Rule of Civil Procedure 26(b)). (7-1-93)

**222. DISCOVERY AUTHORIZED (RULE 222).**

The Commission, individual Commissioners, and all parties to a proceeding have a right of discovery of all other parties to a proceeding. The Commission may by order authorize or compel necessary discovery not listed in these rules. (7-1-93)

**223. RIGHTS TO DISCOVERY RECIPROCAL (RULE 223).**

All parties to a proceeding and the Commission Staff have a right of discovery of all other parties to the proceeding

and the Commission Staff according to these rules. The Commission may by order direct further discovery not provided by these rules. (7-1-93)

**224. DEPOSITIONS (RULE 224).**

Depositions may be taken in accordance with Section 61-605, Idaho Code, and the Idaho Rules of Civil Procedure for any purpose allowed by statute, Idaho Rule of Civil Procedure, rule of the Commission, order or notice. Depositions may be taken of expert witnesses notwithstanding contrary provisions of the Idaho Rules of Civil Procedure. Depositions rather than production requests or written interrogatories should be used to obtain statements of opinion or policy not previously written or published. Unless otherwise provided by order or notice or agreed to by the deponent or the deponent's attorney, notice of deposition must be given at least fourteen (14) days before deposition is taken. (7-1-93)

**225. PRODUCTION REQUESTS OR WRITTEN INTERROGATORIES AND REQUESTS FOR ADMISSION (RULE 225).**

**01. When Requests May Be Used.** Production requests or written interrogatories and requests for admission may be taken in accordance with the Idaho Rules of Civil Procedure for any purpose allowed by statute, Idaho Rule of Civil Procedure, rule of the Commission, order or notice, except: (7-1-93)

**a.** Production requests or written interrogatories should not be used to obtain statements of opinion or policy not previously written or published and may be objected to on that ground; and (7-1-93)

**b.** Requests for admission concerning a matter of opinion or policy or the application of law, order or rule to fact may be denied generally and the reasons for denial required to be discovered by deposition rather than by request for admission, but a request for admission on any matter of opinion or policy or application of law to fact on an uncontested matter must be answered. (7-1-93)

**02. Form of Requests.** The caption of a production request or written interrogatory and of a request for admission must identify the party making the request or interrogatory, the party to whom the request or interrogatory is directed, and the number of the request or interrogatory to that party. Separate questions within a production request or written interrogatory or within a request for admission must be numbered consecutively within the request or interrogatory and consecutively with earlier production requests or written interrogatories and requests for admission, respectively, from the same party submitting the questions to the same party answering them. For example, if the last question of the Third Production Request of the Commission Staff to XYZ Electric Company is numbered 33, the first question of the Fourth Production Request of the Commission Staff to XYZ Electric Company must be numbered 34. But, if the Staff's next production request is its first to intervenor ABC Company, that request must begin with question one (1) to that intervenor. (7-1-93)

**03. Time for Objection and Answer.** Unless otherwise provided by order, notice, or these rules, or pursuant to agreement with or acquiescence of the answering party, parties have at minimum fourteen (14) days to object or explain why a question cannot be answered according to this rule and twenty-one (21) days to answer. (5-8-09)

**04. Numbers of Requests.** The number of production requests or written interrogatories and of requests for admission and individual questions or subparts in them may be limited by order, notice or rule of the Commission, but are not limited by the provisions of the Idaho Rules of Civil Procedure. (7-1-93)

**226. SUBPOENAS (RULE 226).**

**01. Issuance of Subpoenas.** Upon a motion in writing, or upon a Commissioner's own initiative without motion, any Commissioner may issue subpoenas: (7-1-93)

**a.** Requiring the attendance of a witness from any place in Idaho; (7-1-93)

**b.** The production of documents from any place in Idaho; or (7-1-93)

**c.** The production of any books, accounts, papers or records of a utility or carrier kept within or

without Idaho to any designated place of deposition, hearing or investigation for the purpose of taking testimony or examining documents before the Commission, a Commissioner or hearing examiner. (7-1-93)

**02. Witness or Travel Fees.** A party's motion to issue a subpoena must be accompanied by a statement that the party will tender to the subpoenaed person all fees required by statute and rules if the subpoena is issued. (7-1-93)

**03. Motions to Quash.** The Commission upon motion to quash made promptly, and in any event, before the time to comply with the subpoena, may: (7-1-93)

- a. Quash the subpoena; or (7-1-93)
- b. Condition denial of the motion to quash upon reasonable terms. (7-1-93)

**227. STATUTORY EXAMINATION AND AUDIT -- CONTRASTED WITH OTHER DISCOVERY (RULE 227).**

Statutory examination and audit refers to the right of the Commission, an individual Commissioner, or an authorized member of the Commission Staff to review and inspect the books, records and premises of regulated utilities and carriers pursuant to statute. This right of statutory examination and audit is independent of any right of discovery in formal proceedings and may be exercised whether or not a regulated utility or carrier is party to a formal proceeding before the Commission. Information obtained from statutory examination and audit may be used in formal proceedings or for any other regulatory purpose. The rights of deposition, production request or written interrogatory, request for admission, and subpoenas can be used by parties only in connection with formal proceedings before the Commission. (7-1-93)

**228. ANSWERS TO PRODUCTION REQUESTS OR WRITTEN INTERROGATORIES AND TO REQUESTS FOR ADMISSION (RULE 228).**

**01. When Answers Not Filed.** Answers to production requests or written interrogatories and to requests for admission need not be filed and served in the following circumstances: (7-1-93)

a. Voluminous answers may be filed in a depository designated and agreed to by the parties or designated by the Commission, and an explanation notifying the parties of the availability of the answers at the depository must be filed and served in their stead. (7-1-93)

b. Answers involving data compiled by computer may be transmitted in computer-readable form (e.g., by disk or other mutually agreed means) to the party requesting them and to all other parties requesting them in similar computer-readable forms and an explanation notifying the parties of their distribution must be filed and served in their stead. (3-16-04)

**02. Filing of Answers.** Except as provided in Rule 228.01, answers to production requests or written interrogatories and to requests for admission must restate in full each question asked, then state in full the party's response to the question and the persons who will be able to answer questions about or sponsor the answer at hearing. Answers to production requests or interrogatories need not be separately answered under oath by each person preparing the party's response to the question or each witness who will be able to answer questions about or sponsor the answer, but instead can be generally subscribed by the party's representative. The restatement of the question and its accompanying answer must begin on a new page whenever the preceding answer refers to other documents or whenever the preceding question in the particular production request or written interrogatory is not answered in full in that document. (7-1-93)

**229. FILING AND SERVICE OF DISCOVERY AND RELATED DOCUMENTS (RULE 229).**

Notices of deposition, production requests or written interrogatories, requests for admission, answers to production requests or written interrogatories, answers to requests for admission, explanations in lieu of answers under Rule 228.01, and objections to discovery shall be filed with the Commission Secretary and copies served on all parties according to Rules 61, 62, 63, and 64. (5-8-09)

**230. EXHIBIT NUMBERS -- PREPARED TESTIMONY AND EXHIBITS (RULE 230).**

The Commission Secretary assigns exhibit numbers to each party. Applicants, petitioners, or complainants are assigned exhibit nos. 1-100. If the Commission is complainant, the Staff is assigned exhibit nos. 1-100. In all other cases, the Staff is assigned exhibit nos. 101-200. Respondents and intervenors are assigned exhibit nos. 201-300, 301-400, etc., as they make their first pleading, but the lower series are reserved first for respondents, then for intervenors. These assigned numbers should be used in all prepared testimony. (7-1-93)

**231. PREPARED TESTIMONY AND EXHIBITS (RULE 231).**

**01. Prepared Testimony May Be Required.** Order, notice or rule may require a party or parties to submit prepared testimony and exhibits to be presented at hearing. (7-1-93)

**02. Format for Prepared Testimony.** (7-1-93)

**a.** Prepared testimony and exhibits must be accompanied by a cover sheet showing the case caption and case title, the person testifying, the party for whom the testimony is offered, and the nature of the testimony (direct, rebuttal, etc.). (7-1-93)

**b.** The first page of prepared testimony should contain testimony only (i.e., it should begin with the first question to the witness and not repeat the information on the cover page). (7-1-93)

**c.** Prepared testimony must be submitted on white eight and one-half by eleven inch (8-1/2" x 11") paper, be double-spaced (except for quoted material and tables or other collections of numerical data), and contain no more than ten (10) characters per inch and no less than twenty-five (25) lines of double-spaced testimony or more than thirty (30) lines per page. Each page may be printed on the front and back (duplexed). (4-7-11)

**d.** Each line of prepared testimony must be numbered at the left margin (except single-spaced quotations or tables of numerical data, which may be numbered at the left margin as though they were double-spaced). Each page of testimony must have a one and one-half (1-1/2) inch left margin that will allow the page to be bound on its left side without obscuring the printed material. Indentations for paragraphing and for "Q" and "A" must be seven (7) spaces. (7-1-93)

**e.** Each page of prepared testimony must be numbered at the lower right corner and must be blank in the center of the bottom margin to allow the reporter to insert transcript page numbers there. Each page of prepared testimony must have at least a one-inch (1") top and bottom margin. (7-1-93)

**f.** Each page of prepared testimony must contain the witness's surname followed by the designation "Di" (signifying direct testimony) or "Di-Reb" (signifying direct testimony on rebuttal) and the name of the party sponsoring the testimony printed in the lower right margin. For example, the marginal notation on page 5 of the testimony of the witness Lynn Accountant of ABC Company would be:

5	or	Accountant, Di 5
Accountant, Di		ABC Company
ABC Company		

(7-1-93)

**03. References to Exhibits.** All references to exhibits in prepared testimony must refer to the exhibits by their number as assigned by the Commission Secretary. Exhibits accompanying prepared testimony must be consecutively numbered from the first exhibit number assigned to the party by the Commission Secretary if the party has not previously identified exhibits, or from the highest exhibit number previously identified by that party. Exhibits must be filed on eight and one-half by eleven inch (8-1/2" x 11") paper unless it is impractical to make them that size. Exhibits accompanying prepared testimony must comply with Rule 267. (7-1-93)

**04. Number of Copies -- Filing and Service.** Unless otherwise provided by order, notice or agreement of the parties, nine (9) legible copies of prepared testimony and exhibits must be filed with the Commission Secretary and copies filed on all parties pursuant to Rules 61, 62, 63 and 64 at least fourteen (14) days before the hearing at which they will be presented. The original, if there is an original, or one (1) of the copies, if there is not, must be specifically designated as the reporter's copy by cover sheet, attached note or otherwise, and be included with the

copies filed with the Commission Secretary. In special circumstances, notice or order may provide that the reporter's copy of prepared testimony and exhibits be served directly on the reporter rather than the Commission Secretary. (7-1-93)

**05. Computer-Searchable Copies of Testimony.** In addition to the paper copies of prepared testimony, the Commission Secretary may also require or the parties may agree that some or all of the prepared testimony to be submitted to the Secretary, parties and the reporter in computer searchable CD-ROM without password protection. The CD-ROM shall be in Adobe Acrobat (PDF) or other searchable format agreed upon by the reporter and the parties. Each CD-ROM shall be labeled with the Commission's case number, case name, the name of each witness and the sponsoring party. (4-7-11)

**232. SANCTIONS FOR FAILURE TO OBEY ORDER COMPELLING DISCOVERY (RULE 232).**  
The Commission may impose all sanctions recognized by the Public Utilities Law for failure to comply with an order compelling discovery. (7-1-93)

**233. ASSERTIONS THAT DISCOVERED MATERIAL IS PROTECTED FROM PUBLIC INSPECTIONS -- PROCEDURES (RULE 233).**

**01. Assertion of Protection.** Whenever any party to a request for discovery believes that material otherwise discoverable is protected by statute or rule of law from inspection, examination or copying by the general public, the attorney for the party asserting the material is protected by law from inspection, examination or copying must state that the answer or some portion of it is protected, citing the specific statute or other legal authority for that position. The attorney's assertion constitutes a representation that the attorney is familiar with the material claimed not to be available for public inspection, examination and copying and in good faith believes there is a basis in law for that claim. (4-5-00)

**02. Procedures.** When an answer contains material, some of which is protected by law from public inspection, examination, and copying and some of which is not, the protected material must be reproduced on yellow paper and separated from material available for public review. Each page of the material exempt from public review must be marked "Trade Secrets" or "Confidential." All material exempt from public review shall be filed with the Commission Secretary and served on all parties under seal pursuant to Rule 229. Material exempt from public review shall be separately stored in a secure location with limited access and safeguarded from unauthorized disclosure. All material for which no assertion of protection against public inspection, examination and copying is made will be placed in files available for public inspection. (5-8-09)

**234. ASSERTION OF RIGHT AGAINST SELF-INCRIMINATION DURING DISCOVERY -- IMMUNITY (RULE 234).**

**01. Assertion of Right.** During discovery any person may assert the right not to testify or not to produce documents upon the ground that the testimony or production of documents may tend to incriminate the person or subject him or her to penalty or forfeiture. (7-1-93)

**02. Granting of Immunity.** The Commission or any Commissioner may direct that person to testify or produce documents by written order or upon the record at hearing. In such case, that person shall not be prosecuted, punished or subjected to any forfeiture or penalty for or on account of any act, transaction, matter or thing concerning which he or she shall under oath have testified or produced documentary evidence: provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed in that testimony. (7-1-93)

**03. No Immunity Without Assertion of Right.** No immunity is granted under this rule or under Section 61-606, Idaho Code, in the absence of a specific assertion of the persons' rights under Section 61-606, Idaho Code, and the Commission's or a Commissioner's written order or direction on the record at hearing compelling the person to testify or produce written documents and immunizing the person from prosecution, punishment, forfeiture or penalty according to this rule and Section 61-606, Idaho Code. No immunity granted under this rule or Section 61-606, Idaho Code, shall extend to any public utility. (7-1-93)

**235. -- 240. (RESERVED)**

**HEARINGS -- MISCELLANEOUS PROCEDURE  
(RULES 241 THROUGH 260)**

**241. NOTICE OF HEARING (RULE 241).**

**01. Timing of Notice.** Notice of the place, date and hour of hearing will be served at least fourteen (14) days, or in the case of formal complaints, twenty-one (21) days, before the time set for hearing, unless the Commission finds by order that the public necessity requires the hearing to be held earlier. (7-1-93)

**02. Contents of Notice.** Notices must comply with Rule 242's requirements. Notices must list the names of the parties (or the lead parties if the parties are too numerous to name), the case number, and the name of the hearing officer who will conduct the hearing if the case will not be heard by one (1) or more Commissioners. If no document previously issued by the Commission has listed the legal authority of the Commission to conduct the hearing, the notice of hearing must do so. The notice of hearing shall state that the hearing will be conducted under these rules of procedure and inform the parties where they may read or obtain a copy. (7-1-93)

**03. Locations of Hearing.** Hearings may be held in Boise, Idaho, or at other places designated by notice or order. (7-1-93)

**04. Types of Formal Hearings.** The Commission generally conducts two (2) types of formal public hearings. (5-8-09)

**a.** A technical hearing is a public hearing where parties present witnesses and their prepared testimony and exhibits. (5-8-09)

**b.** A customer hearing is a public hearing for customers, public officials, and other persons not related to parties in the case to provide testimony. Unless otherwise ordered by the presiding officer, parties are prohibited from presenting evidence at the customer hearing. (5-8-09)

**242. FACILITIES AT OR FOR HEARING AND ADA REQUIREMENTS (RULE 242).**

All hearings must be held in facilities meeting the accessibility requirements of the Americans with Disabilities Act (ADA). All notices of hearing must inform the parties that the hearing will be conducted in facilities meeting the accessibility requirements of the Americans with Disabilities Act. All notices of hearing must inform the parties and other persons notified that if they require assistance of the kind that the Commission is required to provide under the Americans with Disabilities Act (e.g., sign language interpreters, Braille copies of documents) in order to participate in or understand the hearing, the Commission will supply that assistance upon request made seven (7) days before hearing. (7-1-93)

**243. HOW HEARINGS ARE HELD (RULE 243).**

**01. All Hearings Presumed Open.** All hearings conducted by the Commission are open to the public except when a hearing may be partially closed to safeguard trade secrets or other confidential information protected from public disclosure. If parties intend to cross-examine or offer testimony that may necessitate the partial closure of a hearing, they shall advise the Commission or presiding officer at the beginning of the hearing or as soon as thereafter as practical. The Commission disfavors closed hearings and parties shall take all reasonable measures to avoid the need to close a public hearing. Such measures include: (4-5-00)

**a.** Using references to page and line or column numbers; (4-5-00)

**b.** Using summaries or generalizations; (4-5-00)

**c.** Stipulating that the evidence be offered in the public hearing; or (4-5-00)

**d.** Offering testimony in writing. (4-5-00)

**02. Methods of Conducting Hearings.** Hearings may be held in person or by telephone or television or other electronic means, if each participant to the hearing has an opportunity to participate in the entire proceeding

while it is taking place. (4-5-00)

**244. CONDUCT AT HEARINGS (RULE 244).**

All persons attending a hearing must conduct themselves in a respectful and courteous manner. Persons disrupting the hearing shall be asked to leave by the presiding officer. See Rule 47 and Section 18-6409(1), Idaho Code. Smoking is not permitted at hearings. (5-8-09)

**245. CONFERENCE AT HEARING (RULE 245).**

In any proceeding the presiding officer may convene the parties before hearing or recess the hearing to discuss formulation or simplification of the issues, admissions of fact or identification of documents to avoid unnecessary proof, exchanges of documents, exhibits or prepared testimony, limitation of witnesses, establishment of order of procedure, and other matters that may expedite orderly conduct of the hearing. The presiding officer will state the results of the conference on the record. (7-1-93)

**246. PRELIMINARY PROCEDURE AT HEARING (RULE 246).**

Before taking evidence the presiding officer will call the hearing to order, take appearances of parties, and act upon any pending motions or petitions. The presiding officer may allow opening statements as necessary or appropriate to explain a party's presentation. (7-1-93)

**247. CONSOLIDATION OF PROCEEDINGS (RULE 247).**

The Commission may consolidate two (2) or more proceedings for hearing when it finds that they present issues that are related and that the rights of the parties will not be prejudiced. In consolidated hearings the presiding officer determines the order of the proceeding. (7-1-93)

**248. STIPULATIONS (RULE 248).**

Parties may stipulate among themselves to any fact at issue by written statement filed with the Commission Secretary or presented at hearing or by oral statement on the hearing record. A stipulation binds all parties agreeing to it only according to its terms. The Commission may regard a stipulation as evidence, but the Commission may require proof by evidence of the facts stipulated. The Commission is not bound to adopt a stipulation of the parties, but may by order do so. If the Commission rejects a stipulation, it will do so before issuing a final order, and it will provide an additional opportunity for the parties to present evidence and arguments on the subject matter of the rejected stipulation. (7-1-93)

**249. ORDER OF PROCEDURE (RULE 249).**

**01. Order of Presentation of Evidence.** The parties' evidence will ordinarily be introduced in the following order: (7-1-93)

- a.** Upon applications: (7-1-93)
  - i. Applicant; (7-1-93)
  - ii. Intervenors; (7-1-93)
  - iii. Commission Staff; and (7-1-93)
  - iv. Rebuttal by applicant. (7-1-93)
- b.** Upon formal complaints or petitions (except when the Commission is complainant): (7-1-93)
  - i. Complainant or petitioner; (7-1-93)
  - ii. Intervenors; (7-1-93)
  - iii. Commission Staff; (7-1-93)
  - iv. Respondents; and (7-1-93)

- v. Rebuttal by complainant or petitioner. (7-1-93)
- c. Upon complaints by Commission: (7-1-93)
  - i. Commission Staff; (7-1-93)
  - ii. Intervenors; (7-1-93)
  - iii. Respondents; and (7-1-93)
  - iv. Rebuttal by Commission Staff. This order of presentation of evidence may be modified by the Commission or presiding officer. Additional evidence may be taken in the discretion of the Commission or presiding officer. Evidence of public witnesses may be taken at any time. (7-1-93)

**02. Order of Examination of Witnesses.** Witnesses will ordinarily be examined in the following order: (7-1-93)

- a. Direct examination by sponsoring party or direct statement of public witness; (7-1-93)
- b. Examination by applicants, petitioners or complainants; (7-1-93)
- c. Examination by intervenors; (7-1-93)
- d. Examination by respondents; (7-1-93)
- e. Examination by Commission Staff (except when the Staff acts as complainant); (7-1-93)
- f. Examination by Commissioners or hearing examiners; and (7-1-93)
- g. Redirect examination or rebuttal statement. The presiding officer may allow additional examination of witnesses or vary the order of examination of witnesses. The presiding officer may vary the order of examination of witnesses to allow parties with interests adverse to the witness to examine the witness after parties with interests similar to the witness. (7-1-93)

**250. TESTIMONY UNDER OATH (RULE 250).**

All testimony presented in formal hearings will be given under oath. Before testifying each witness must swear or affirm that the testimony the witness will give before the Commission is the truth, the whole truth, and nothing but the truth. (7-1-93)

**251. PARTIES AND PERSONS WITH SIMILAR INTERESTS (RULE 251).**

If two (2) or more parties or persons have substantially like interests or positions, to expedite the proceeding and avoid duplication the presiding officer may limit the number of them who testify, examine witnesses, or make and argue motions and objections. (7-1-93)

**252. CONTINUANCE OF HEARING (RULE 252).**

The Commission or presiding officer may continue proceedings for further hearing. When a hearing for an application described by Rule 121 is continued at the request of the applicant, the applicant may be required, as a condition of granting the motion for continuance, to consent to an order tolling the running of any suspension period if the Commission ultimately finds that a final order cannot be issued within the suspension period because the applicant's request for a continuance was granted. (7-1-93)

**253. RULINGS AT HEARINGS (RULE 253).**

The presiding officer rules on motions presented at hearing. The presiding officer's rulings may be reviewed by the full Commission in determining the matter on its merits. In extraordinary circumstances, the presiding officer may refer or defer these matters to the full Commission for determination. (7-1-93)

**254. ORAL ARGUMENT (RULE 254).**

The Commission may set and hear oral argument on any matter before it on reasonable notice according to the circumstances. (7-1-93)

**255. BRIEFS -- PROPOSED ORDERS OF THE PARTIES -- STATEMENTS OF POSITION -- PROPOSED ORDER OF THE COMMISSION (RULE 255).**

In any proceeding, any party may move to file briefs, memoranda, proposed orders of the parties or statements of position, and the Commission or presiding officer may request briefs, proposed orders of the parties, or statements of position. The Commission or presiding officer may issue a proposed order and ask the parties for comment upon the proposed order. (7-1-93)

**256. PROCEDURE ON MOTIONS (RULE 256).**

**01. Argument.** The Commission may consider and decide prehearing motions with or without oral argument or hearing. If oral argument or hearing on a motion is requested and denied, the Commission must state its grounds for denying the request. (7-1-93)

**02. Requirements for Motion for Expeditious Substantive Relief.** A motion requesting substantive relief on fewer than fourteen (14) days' notice will not be acted upon on fewer than fourteen (14) days' notice unless it states: (7-1-93)

**a.** The facts supporting its request to act on shorter notice; and (7-1-93)

**b.** 1) That at least one (1) representative of all parties has received actual notice of the motion, by telephone or personal delivery of the motion; or 2) stating the efforts made to reach representatives of those parties not contacted and what efforts will continue to be made to contact them. Except as otherwise provided in this paragraph, the Commission will allow at least two (2) days (excluding Saturdays, Sundays and legal holidays) after notification by telephone or actual receipt of the motion for parties to inform the Commission Secretary, either in writing personally delivered to the Secretary or by telephone, whether they support or oppose the motion and whether they desire to be heard on the motion in person, in writing or by telephone. Except in extraordinary circumstances in which the Commission states good cause for ruling on a motion without allowing two (2) days for parties to state their positions or to present their position on the motion either in person, in writing or by telephone, the Commission will not rule on a substantive motion. Whenever an order is issued in such extraordinary circumstances, it will expire in no more than seven (7) days. (7-1-93)

**03. Motions for Procedural Relief.** A motion requesting procedural relief on fewer than fourteen (14) days' notice is properly filed if it complies with provisions of Rule 256.02.a. and 256.02.b. The Commission may act on such a motion without waiting for responses of other parties. (7-1-93)

**04. Support or Opposition to Prehearing Motion.** When a prehearing motion has been filed, all parties seeking similar substantive or procedural relief must join in the motion or file their own motions within seven (7) days after receiving the original motion. The party answering to or responding to the motion(s) will have fourteen (14) days from the time of filing of the last motion or joinder pursuant to the requirements of the previous sentence in which to respond, except as provided in Rule 256.02 and 256.03 of this rule. (7-1-93)

**257. JOINT HEARINGS (RULE 257).**

When the Commission participates jointly with a federal regulatory agency, the rules of practice and procedure of the federal agency govern. When the Commission participates jointly with an administrative body of another state or other states, the rules of the state where the hearing is held govern unless otherwise agreed upon by the participating agencies. Any person entitled to appear in a representative capacity for any of the agencies involved in a joint hearing may do so in such joint hearing. (7-1-93)

**258. COMMISSIONERS -- HEARING EXAMINERS -- PROCEDURE (RULE 258).**

**01. Officers Holding Hearings.** Hearings are held before one (1) or more Commissioners or one (1) or more hearing examiners appointed by the Commission. The presiding officer is designated by the Commission. Any Commissioner or hearing examiner may administer oaths. (7-1-93)

**02. Procedure When Hearing Examiner Holds Hearing.** When a hearing examiner hears a proceeding, the examiner must prepare and file recommended findings of fact with the Commission Secretary and serve copies of them on all parties of record within fourteen (14) days after receipt of the hearing record, unless the examiner's recommended findings are stated on the record at hearing. Unless otherwise provided by order or notice, the Commission will issue its decision based upon its independent review of the record and of the hearing examiner's recommended findings of fact. (7-1-93)

**259. ASSERTION OF RIGHT AGAINST SELF-INCRIMINATION AT HEARING -- IMMUNITY (RULE 259).**

**01. Assertion of Right.** At hearing any person may assert the right not to testify or not to produce documents upon the ground that the testimony or production of documents may tend to incriminate the person or subject him or her to penalty or forfeiture. (7-1-93)

**02. Granting of Immunity.** The Commission or any Commissioner may direct that person to testify or produce the document by written order or upon the record at hearing. In such case, that person shall not be prosecuted, punished or subjected to any forfeiture or penalty for or on account of any act, transaction, matter or thing concerning which the person shall under oath have testified or produced documentary evidence: provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him or her in that testimony. (7-1-93)

**03. No Immunity Without Assertion of Right.** No immunity is granted under this rule or under Section 61-606, Idaho Code, in the absence of a specific assertion of the person's rights under Section 61-606, Idaho Code, and the Commission's or a Commissioner's written order or direction on the record at hearing compelling the person to testify or produce written documents and immunizing the person from prosecution, punishment, forfeiture or penalty according to this rule and Section 61-606, Idaho Code. No immunity granted under this rule or Section 61-606, Idaho Code, shall extend to any public utility. (7-1-93)

**260. SUMMARY OF POSITION(S) AND TESTIMONY (RULE 260).**

Each utility shall make available to the public at all Commission hearings a brief written summary of the utility's position(s) and testimony filed in the case under consideration except when the Commission has determined that a summary is not necessary. If the utility is requesting a rate increase, its summary shall address the utility's need for additional revenue, the total dollar amount requested, and the proposed percentage increase or decrease in rates for each major customer class. The Commission Staff and intervenors shall also provide a brief summary of their recommendations and the testimony filed in the case under consideration. These summaries and presentations are provided solely for the convenience of the public and will not be allowed as evidence or form the basis for cross-examination of any witness. (5-8-09)

**EVIDENCE  
(RULES 261 THROUGH 270)**

**261. RULES OF EVIDENCE -- EVALUATION OF EVIDENCE (RULE 261).**

The presiding officer at hearing is not bound by the Idaho Rules of Evidence. No informality in any proceeding or in the manner of taking testimony invalidates any order made, approved or confirmed by the Commission. Rules as to the admissibility of evidence used by the district courts of Idaho in non-jury civil cases are generally followed, but evidence (including hearsay) not admissible in non-jury civil cases may be admitted to determine facts not reasonably susceptible of proof under the Idaho Rules of Evidence. The presiding officer, with or without objection, may exclude evidence that is irrelevant, unduly repetitious, inadmissible on constitutional or statutory grounds, or inadmissible on the basis of any evidentiary privilege provided by statute or recognized in the courts of Idaho, and order the presentation of such evidence to stop. All other evidence may be admitted if it is a type generally relied upon by prudent persons in the conduct of their affairs. The Commission's expertise, technical competence and special knowledge may be used in the evaluation of the evidence. (7-1-93)

**262. DOCUMENTARY EVIDENCE -- INTRODUCTION OF RECORDS IN THE COMMISSION SECRETARY'S OFFICIAL FILE (RULE 262).**

Documentary evidence may be received in the form of copies or excerpts. Upon request, parties shall be given an opportunity to compare the copy with the original if available. When a party offers in evidence any portion of a transcript, exhibit, or other record from any other proceeding before the Commission, the portion offered must be specifically described and, if admitted, will be made an exhibit. The party offering the exhibit must comply with Rule 267. (7-1-93)

**263. OFFICIAL NOTICE (RULE 263).**

**01. Matters That May Be Officially Noticed.** The Commission may officially note at hearing and in its orders: (7-1-93)

**a.** (1) Its own orders, notices, rules, certificates and permits, and (2) those of any other regulatory agency, state or federal; (7-1-93)

**b.** (1) matters of common knowledge, (2) technical, financial, or scientific facts established and published in accepted authorities or in the Commission's specialized knowledge, and (3) matters judicially noticeable; and (7-1-93)

**c.** Data contained in periodic reports of regulated utilities filed with the Commission or federal regulatory agencies. (4-5-00)

**02. Procedure for Taking Official Notice.** When officially noting on its own motion matters described in Rule 263.01.b.(2) or 263.01.c. or adjudicative facts under Rule 263.01.b.(3) of this rule, the Commission will give the parties appropriate opportunity to respond or refute such matters noticed. Unless otherwise agreed by the parties and approved by the presiding officer, parties requesting the Commission to take official notice of documents must submit those documents to the Commission in the manner prescribed for documents in Rule 262. (7-1-93)

**264. DEPOSITIONS (RULE 264).**

Depositions may be offered into evidence as allowed by Section 61-605, Idaho Code, and the Idaho Rules of Civil Procedure. (7-1-93)

**265. OBJECTIONS -- OFFERS OF PROOF (RULE 265).**

Grounds for objection to the admission or exclusion of evidence must be stated briefly at the time the evidence is offered. Formal exceptions to rulings admitting or excluding evidence are unnecessary and need not be taken. An offer of proof for the record consists of a statement of the substance of the excluded evidence. When a party objects to the admission of evidence, the presiding officer will rule on the objection or the presiding officer may receive the evidence subject to the later ruling by the full Commission or refer to the matter to the full Commission. (7-1-93)

**266. PREPARED TESTIMONY (RULE 266).**

The presiding officer may order a witness's prepared testimony previously distributed to all parties to be incorporated in the transcript as if read if timely filed pursuant to an order, notice or rule requiring its filing before hearing. Without objection, the presiding officer may direct other prepared testimony to be incorporated in the transcript as if read. Admissibility of prepared testimony is subject to the Rule 261. (7-1-93)

**267. EXHIBITS (RULE 267).**

**01. Exhibit Numbers.** Exhibit numbers are assigned to the parties before hearing according to Rule 230. (7-1-93)

**02. Form of Exhibits.** Public exhibits offered at hearing must ordinarily be typed or printed on eight and one-half by eleven inch (8 1/2" x 11") white paper, except maps, charts, photographs and non-documentary exhibits may be introduced on the size or kind of paper customarily used for them. Exhibits that are trade secrets, confidential information or otherwise exempt from public review shall be printed on yellow paper. A copy of each documentary exhibit must be furnished to each party present, to the reporter, and to each Commissioner or hearing examiner, except for unusually bulky or voluminous exhibits that have previously been made available for the parties' inspection. Copies must be of good quality. (5-8-09)

**03. Timely Filing of Exhibits.** Exhibits offered as part of a party's direct case (except exhibits offered on redirect examination) must be timely filed. Exhibits filed pursuant to any order, notice or rule requiring their filing before hearing are timely filed. Otherwise, exhibits must be distributed or made available to all parties long enough before their introduction into evidence to allow the parties a reasonable opportunity to review them and to prepare to examine their substance, except those exhibits that update exhibits previously timely filed may be filed so long as fair opportunity is afforded other parties to examine the sponsoring witnesses about the updated material. (7-1-93)

**04. Objection -- Admission.** Exhibits identified at hearing are subject to appropriate and timely objection before the close of proceedings. Exhibits to which no objection is made are automatically admitted into evidence without motion of the sponsoring party. (7-1-93)

**05. Labeling of Exhibits.** All exhibits accompanying prepared testimony, exhibits introduced during direct examination of a party's witnesses, and, to the extent practicable, all other exhibits introduced at hearing must label the exhibit number, case number, party and witness sponsoring the exhibit, and any subdivisions within the exhibit, such as separate schedules or charts. Examples of labeling required by this rule are:

Exhibit No. 101	Exhibit No. 507
Case No. XXX-X-XX-XX	Case No. XXX-X-XX-XX
P. Engineer, Staff L.Accountant, ABC Company	
Schedule 1, p. 1 of 3	

Exhibits prepared for the proceeding must contain this labeling on each page of the exhibit. Exhibits reproducing previously existing documents may contain a cover page with this labeling, but need not be labeled on each page. (7-1-93)

**06. Sources for Exhibits.** Exhibits prepared from data in workpapers, answers to discovery, periodicals, reports or other documentable sources of information must contain a statement of sources. Examples of the statements of sources required by this rule are: (7-1-93)

P. Engineer, Workpapers -- Answer of XYZ Utility  
to First Tab A, pages 1 - 47 Production Request of ABC  
Company, Question 13

Moody's Public Utility -- XYZ Utility,  
FERC Form 1 (1993)  
Manual p. 402a 1993 Vol. 1, p. 606

Exhibits especially prepared for introduction into evidence in a proceeding (i.e., exhibits not otherwise prepared or in existence) should be descriptively titled to show their contents and purpose. (7-1-93)

**07. Certain Exhibits Require Presiding Officer's Approval.** Neither motion pictures, slides, opaque projections, video tapes, audio tapes nor other materials not capable of duplication by still photograph or reproduction on paper shall be presented as exhibits without prior approval of the presiding officer. Writing, sketching and drawing on blackboards or other similar surfaces by witnesses presenting testimony do not constitute an exhibit or evidence in the proceeding unless the writing, sketching or drawing is reproduced, photographed, or otherwise preserved for the record. (7-1-93)

**268. -- 270. (RESERVED)**

#### **SETTLEMENTS (RULES 271 THROUGH 280)**

**271. PASSIVE SETTLEMENTS (RULE 271).**

Settlements in formal proceedings in which a party agrees to concur in, accept, or not to oppose another party's positions previously on record with the Commission are called passive settlements. Any party may reach a passive

settlement with any other party on any issue without prior notification to the Commission or any other party. (7-1-93)

**272. PROCEDURES FOR ACTIVE SETTLEMENTS (RULE 272).**

Settlements in formal proceedings in which one (1) or more parties negotiate an agreement differing from positions of one (1) or more of the parties previously on record with the Commission are called active settlements. Any party other than the Commission Staff may enter into an active settlement with any party other than the Commission Staff without prior notification to the Commission or other parties. The Commission Staff, however, is precluded from entering into an active settlement without first notifying all other parties and the Commission that it intends to begin or has begun settlement negotiations. The Commission Staff must give all other parties an opportunity to participate in or be apprised of the course of the settlement negotiations before a final settlement agreement is reached. Settlement negotiations are confidential, unless all participants to the negotiation agree to the contrary. (5-8-09)

**273. SUGGESTION FOR OR INQUIRY ABOUT SETTLEMENTS (RULE 273).**

Through notice or order or on the record at prehearing conference or hearing, the Commission or an individual Commissioner may inquire of the parties in any proceeding whether settlement negotiations are in progress or contemplated or invite settlement of an entire proceeding or certain issues. In issuing such an invitation for settlement, the Commission or an individual Commissioner may indicate acceptable ranges of settlement, preclude certain issues from settlement, or otherwise inform the parties of his, her or their views on settlement in aid of securing a just, speedy and economical determination of the issues presented to the Commission. Neither the Commission nor individual Commissioners will indicate ex parte their views on the merits of any proposed settlement. (7-1-93)

**274. CONSIDERATION OF SETTLEMENTS (RULE 274).**

Settlements must be reviewed under this rule. When a settlement, be it active or passive, is presented to the Commission, the Commission will prescribe procedures appropriate to the nature of the settlement to consider the settlement. For example, the Commission may summarily accept settlement of an essentially private dispute that has no significant implications for regulatory law or policy or for other utilities or customers upon the written request of the affected parties. On the other hand, when one (1) or more parties to a proceeding is not party to the settlement or when the settlement presents issues of significant implication for other utilities, other customers or the public interest, the Commission may convene an evidentiary hearing to consider the reasonableness of the settlement and whether acceptance of the settlement is just, fair, and reasonable, in the public interest, or otherwise in accordance with law or regulatory policy. (7-1-93)

**275. BURDENS OF PROOF (RULE 275).**

Proponents of a proposed settlement carry the burden of showing that the settlement is reasonable, in the public interest, or otherwise in accordance with law or regulatory policy. In any instance in which parties or affected persons oppose the settlement, proponents of the settlement should be prepared to call witnesses and argue in favor of the settlement. Opponents of the settlement should be prepared to examine supporting witnesses, offer their own witnesses, or argue against the settlement. The Commission may require the development of an appropriate record in support of or opposition to a proposed settlement as a condition of accepting or rejecting the settlement. (7-1-93)

**276. SETTLEMENT NOT BINDING (RULE 276).**

The Commission is not bound by settlements. It will independently review any settlement proposed to it to determine whether the settlement is just, fair and reasonable, in the public interest, or otherwise in accordance with law or regulatory policy. When a settlement is presented for decision, the Commission may accept the settlement, reject the settlement, or state additional conditions under which the settlement will be accepted. In the last instance, the parties will have twenty-one (21) days to state their acceptance or rejection of the additional conditions imposed by the Commission. If the Commission rejects the settlement or if the Commission's conditional acceptance of a settlement is rejected by the parties to the settlement, the Commission will notify the parties of procedures to be followed to decide the issues for which settlement was rejected by the Commission. (7-1-93)

**277. CONSENT AGREEMENTS NOT SETTLEMENTS (RULE 277).**

Consent agreements proscribing or prescribing certain conduct under Rule 58 are not settlements under this rule. (7-1-93)

**278. -- 280. (RESERVED)**

**OFFICIAL RECORDS AND FILES**  
**(RULES 281 THROUGH 290)**

**281. RECORDS FOR DECISION -- RELATIONSHIP TO OFFICIAL FILE (RULE 281).**

The Commission bases its decisions and issues its orders on the hearing record (excluding exhibits denied admission), the Commissioners' record and items officially noted. The hearing record and the Commissioners' record are part of the Commission Secretary's official file. (7-1-93)

**282. THE COMMISSION SECRETARY'S OFFICIAL FILE (RULE 282).**

**01. Documents in File.** The Commission Secretary's official file for a proceeding is the public file maintained by the Commission Secretary. This file includes all documents filed with regard to a proceeding, whether filed by parties or other persons, and includes (but is not limited to) pleadings, discovery and related materials, briefs, proposed orders, statements of position, correspondence concerning the proceeding directed to the Commission, a Commissioner, or the Commission Secretary (whether by parties or persons not parties), prepared testimony and exhibits, workpapers, transcripts, exhibits presented at hearing, orders, notices, press releases, and other matters pertaining to or related to a proceeding and included in the public files of that proceeding by the Commission Secretary. (7-1-93)

**02. Public Records.** Except as provided in Rules 26, 67, 233, and 287, which refer to statutory exemptions from disclosure, all material in the Commission Secretary's Official File is subject to inspection, examination and copying under Section 74-102, Idaho Code. In particular, information obtained in an application for a certificate issued by this Commission inquiring into a person's fitness to be granted or to retain a certificate is not exempted from examination or copying under Sections 74-106(8) and 74-106(9), Idaho Code, but may be exempted under other statutes. (4-5-00)

**283. THE HEARING RECORD (RULE 283).**

The hearing record in a proceeding consists of all transcripts of hearings, conferences, arguments and other proceedings on the record and of all exhibits identified, offered, admitted or denied admission at hearing or prehearing conference. Workpapers, requests for discovery, answers to discovery and other documents filed with the Commission Secretary and served on the parties, whether or not discussed at hearing, are not part of the hearing records unless introduced as exhibits at hearing. The Commission or an individual Commissioner may add to the hearing record by reference to any document in the Commission Secretary's official file, but only after notifying the parties of that intention and giving them reasonable opportunity to object, review, examine, and rebut or contest the document. (7-1-93)

**284. THE COMMISSIONERS' RECORD (RULE 284).**

**01. Documents in File.** The Commissioners' record in a proceeding automatically includes all pleadings, orders, notices, briefs, proposed orders and position papers. The Commission may add documents officially noticed to the Commissioners' record. (7-1-93)

**02. Materials Available at Hearing.** The Commissioner(s) or hearing examiner(s) conducting a hearing will have the Commissioners' record and all prepared testimony and exhibits available at hearing. Parties desiring to refer to additional documents at hearing should notify the Commission Secretary and all other parties of their intention so that these other documents will be available to the Commissioner(s) or hearing examiner(s) at hearing or should themselves provide copies at hearing to all other parties and to the Commissioner(s) or hearing examiner(s). (7-1-93)

**285. THE REPORTER (RULE 285).**

The reporter at all hearings, conferences, arguments and other proceedings on the record must transcribe all oral proceedings on the record and collect all exhibits identified at hearing. Except as otherwise directed by the Commission, presiding officer at hearing, or the Commission Secretary, the reporter must file the complete hearing record of transcripts and exhibits with the Commission Secretary within fourteen (14) days of the close of hearing. (7-1-93)

**286. TRANSCRIPTS (RULE 286).**

**01. Form of Transcripts -- Cover Sheet.** Transcripts must be prepared on white eight and one-half by eleven inch (8 1/2" x 11") paper. The lines of each page shall be double-spaced with a minimum of twenty-five (25) lines and a maximum of thirty (30) lines per page. Quotations, citations and parenthetical notes may be single-spaced. Each line shall be numbered on the left margin. The cover page of each volume of transcript must show the title of the proceeding, the case number, the presiding officer, the time and place of hearing, and other information as shown in the following example:

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

(TITLE OF PROCEEDING) )

CASE NO. XXX-X-XX-XX )

)

)

(COMMISSIONER Able Baker, Presiding)

(HEARING OFFICER Charlie Dog, Presiding)

(Date, e.g., January 21, 1983)

(Hearing Room, e.g., Commission Hearing Room)

(Address, e.g., 472 West Washington, Boise, Idaho)

(4-7-11)

**02. Volumes of Transcript -- Indices to Volumes.** Each day of hearing must be transcribed in a volume or volumes separate from other days of hearing. Each volume of transcript must begin with a list of the parties who appeared that day and their representatives at hearing that day. This list must be followed with a list of all witnesses whose testimony is reported in that volume, showing the pages at which each witness's testimony begins, what party (if any) called the witness, the pages upon which each other party's examination begins, the pages upon which each Commissioner's or hearing examiner's examination begins, and the pages upon which redirect examination or any party's, Commissioner's or hearing examiner's re-examination begins. These lists must be followed with a list showing all exhibits identified in that volume of transcript (including exhibits accompanying prepared testimony), the pages upon which they are first identified, and, if any exhibits are denied admission, the pages upon which the exhibits are denied admission. (7-1-93)

**03. Matters Included in Transcript.** The transcript must contain all discussions on the record while the hearing is in order. Unless otherwise directed by the Commission, the presiding officer, or the Commission Secretary, prepared testimony must be included in the transcript without change or retyping. Witness's corrections to prepared testimony should be made by distributing replacement pages to the reporter and describing those corrections on the record and/or distributing an errata sheet; unless otherwise directed, no corrections other than replacement pages will be made in the prepared testimony before it is incorporated in the transcript, except the reporter may make minor corrections by interlineation in the prepared testimony. Witnesses may have seven (7) days after hearing to distribute replacement pages to all parties and to the reporter, unless the Commission, the presiding officer or the Commission Secretary otherwise directs. (7-1-93)

**04. Marginal Notes.** The testimony of all witnesses reported in the transcript must be designated in the lower right margin by the witness's surname and the party sponsoring the witness's testimony. Witnesses not sponsored by any party must be designated "Public." The type of testimony must be shown following the witness's surname as "Di" (direct or redirect), "X" (examination by any party not sponsoring the witness), or "Com" (examination by a Commissioner or hearing examiner). Examples of the designations required by this Rule follow:

Accountant, Di;  
ABC Company

Accountant, Com; Ratepayer, X  
ABC Company Public

Discussions on the record that are not testimony or examination may be labeled “argument,” “decision,” “colloquy,” etc., to describe what is reported. (7-1-93)

**05. Volume Size -- Number of Pages.** Transcript volumes should not exceed three hundred (300) pages unless the transcript can be completed in three hundred fifty (350) pages or less. Transcript volumes and pages of all proceedings on the record, including prehearing conferences, hearings, arguments, and any other proceedings on the record, must be numbered consecutively. For example, if a prehearing conference on the record preceded a hearing, the transcript volume and page numbers of the hearing would be numbered consecutively with that of the prehearing conference. (3-16-04)

**06. Number of Copies -- Binding.** The reporter shall prepare an original and one (1) copy of the transcript for the Commission. The original of each transcript shall be filed with the Commission Secretary unbound but each volume shall be separated (if applicable). Copies of the transcript shall be fastened at the left margin in spiral or plastic-type binding, so as to open as flat as possible. (3-16-04)

**07. Compressed Transcript.** Any party may request a compressed transcript having no more than four (4) pages of regular transcript on a page. Each volume of compressed transcript shall contain no more than two hundred (200) pages unless the transcript can be completed in two hundred fifty (250) pages or less. A compressed transcript may be duplexed. The pagination shall be horizontal as follows:

1	2
3	4

(4-7-11)

**08. Computer-Searchable Transcript.** Any party may request a computer-searchable disk of the written transcript. The disk shall be in Adobe Acrobat (PDF) or other searchable format agreed upon by the reporter and the party ordering the disk. (4-7-11)

**09. Purchase of Transcript.** Any party or other person may request and pay for a copy of a transcript or portions of the transcript from the reporter. (3-16-04)

**287. SEALED TRANSCRIPTS (RULE 287).**  
At the direction of the Commission or the presiding officer, the reporter shall prepare a separate transcript volume(s) of closed proceedings involving trade secrets, confidential information or other matters exempt from public disclosure. The reporter shall file the separate transcript volume(s) under seal. Sealed transcripts shall be separately stored in a secure location with limited access and safeguarded from unauthorized disclosure. (4-5-00)

**288. -- 300. (RESERVED)**

**PART 4 - ORDERS AND REVIEW OF ORDERS  
(RULES 301 THROUGH 400)  
DEFAULTS  
(RULES 301 THROUGH 310)**

**301. FAILURE TO ANSWER OR APPEAR AT HEARING -- DEFAULTS (RULE 301).**  
After an applicant’s, petitioner’s, complainant’s or moving party’s failure to appear at the time and place set for hearing, the Commission may dismiss the petition, application, complaint or motion. When a respondent that has been properly served fails to answer or appear at hearing, the Commission may order any relief against the respondent authorized by law. (7-1-93)

**302. -- 310. (RESERVED)**

**DECISIONS AND ORDERS**  
**(RULES 311 THROUGH 320)**

**311. SUBMISSION FOR DECISIONS (RULE 311).**

A proceeding is submitted for decision upon filing of the hearing record with the Commission Secretary, filing of timely briefs, filing of timely orders proposed by the parties and timely written comments or exceptions, oral argument, or receipt of recommended findings of fact of the hearing examiner, whichever is last, but no later than twenty-eight (28) days after hearing is closed when a hearing is held, except when all Commissioners participating in the decision have heard the case themselves, they need not await the filing of the hearing record to consider the case submitted for their decision. The Commission (or a hearing examiner presiding over an uncontested matter) may issue a final decision earlier or rule from the bench, but a bench ruling will be followed by written order. (7-1-93)

**312. PROPOSED ORDERS BY COMMISSION (RULE 312).**

The Commission may issue a proposed order in any proceeding. Any party may file exceptions and briefs to a proposed order within twenty-one (21) days from its date of service, unless a different time is designated by the Commission. Any party may file and serve answers and accompanying briefs to the exceptions within seven (7) days after service of the exceptions. The Commission may adopt or revise the proposed order in response and issue a final order accordingly. The proposed order is not an order of the Commission unless it is adopted by order. In that case, the order of adoption is the final order for all purposes. (7-1-93)

**313. -- 320. (RESERVED)**

**INTERLOCUTORY ORDERS -- FINAL ORDERS -- REVIEW OR STAY OF ORDERS**  
**(RULES 321 THROUGH 330)**

**321. INTERLOCUTORY ORDERS (RULE 321).**

**01. Defined.** Interlocutory orders are orders that do not finally decide all previously undecided issues presented in a proceeding, except the Commission may by order decide some of the issues presented in a proceeding and provide in that order that its decision on those issues is final and subject to review by reconsideration and appeal, but is not final on other issues. Unless an order contains one (1) of the paragraphs set forth in Rule 323 or a paragraph substantially similar, the order is interlocutory. (7-1-93)

**02. Certain Orders Always Interlocutory.** The following orders are always interlocutory: orders suspending rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations under Section 61-622, Idaho Code; orders initiating complaints or investigations; orders joining, consolidating or separating issues, proceedings or parties; orders granting or denying intervention; orders scheduling prehearing conferences, discovery, hearing, arguments or deadlines for written communications; orders proposing modified procedure; orders compelling or refusing to compel discovery. (7-1-93)

**03. Review of Interlocutory Orders.** Interlocutory orders may be reviewed pursuant to Rules 322, 324 and 325. (7-1-93)

**322. REVIEW OF INTERLOCUTORY ORDERS (RULE 322).**

Any person may petition to review any interlocutory order. The Commission may rescind, alter or amend any interlocutory order on its own motion, but will not on its own motion review any interlocutory order affecting any party's substantive rights without giving all parties notice and an opportunity for written comment. (7-1-93)

**323. FINAL ORDERS (RULE 323).**

**01. Paragraphs Designating Final Orders.** Final orders are all orders and only those orders containing one (1) of the following paragraphs or a paragraph substantially similar: (7-1-93)

**a. THIS IS A FINAL ORDER.** Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. xxx-x-xx-xx may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in

interlocutory Orders previously issued in this Case No. xxx-x-xx-xx. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration in response to issues raised in the petition for reconsideration. See Section 61-626, Idaho Code; or (7-1-93)

**b.** THIS IS A FINAL ORDER on reconsideration (or denying reconsideration). Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this Case No. xxx-x-xx-xx may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the Idaho Appellate Rules. See Section 61-627, Idaho Code. Orders may be final on some issues and interlocutory on others. If so, the orders will explicitly designate the issues upon which they are final. (7-1-93)

**02. Service of Final Orders.** The Commission Secretary must indicate on every order subject to petition for reconsideration the date upon which the order was served on the representatives of parties listed in Rule 41. The Commission Secretary must indicate on every order subject to appeal the date upon which the order was filed and the date upon which the order was served on the representatives of parties listed in Rule 41. (7-1-93)

**03. Petition to Designate Order as Final.** Whenever a party believes that an order not designated as a final order according to the terms of these rules should be a final order, the party may petition the Commission to designate the order as final. If an order is designated as final after its release, its effective date for purposes of reconsideration or appeal is the date of the order of designation. (7-1-93)

**04. Review of Final Orders.** Final orders may be reviewed pursuant to Rules 324, 325, 326, 331 and 341. (7-1-93)

**324. STAY OF ORDERS (RULE 324).**

Any person may petition the Commission to stay any order, whether interlocutory or final. Orders may be stayed by the judiciary according to statute. The Commission may stay any order on its own motion. (7-1-93)

**325. CLARIFICATION OF ORDERS (RULE 325).**

Any person may petition to clarify any order, whether interlocutory or final. Petitions for clarification from final orders do not suspend or toll the time to petition for reconsideration or appeal a final order. A petition for clarification may be combined with a petition for reconsideration or stated in the alternative as a petition for clarification and/or reconsideration. The Commission may clarify any order on its own motion. (7-1-93)

**326. RESCISSION, ALTERATION OR AMENDMENT OF FINAL ORDERS (RULE 326).**

**01. Petition to Rescind, Alter or Amend a Final Order.** Any person may petition to rescind, alter or amend a final order pursuant to Section 61-624, Idaho Code. The petition to rescind, petition to alter, or petition to amend must state: (7-1-93)

**a.** That it is filed pursuant to Section 61-629, Idaho Code, after an order has been set aside or set aside in part on appeal, or (7-1-93)

**b.** That there have been changed circumstances or that new information has become available since the order was issued, or that there are other good and sufficient reasons for rescinding, altering, or amending the order. The Commission may dismiss as defective any such petition not complying with this rule and with Rule 53. (7-1-93)

**02. Rescission, Alteration or Amendment of Final Order on Commission's Own Motion.** The Commission on its own motion may propose to rescind, alter or amend any final order. The Commission will give all interested persons notice of its proposal to rescind, alter or amend the final order and appropriate opportunity to be heard by evidentiary hearing or written submission. (7-1-93)

**327. SUBSTANCE OF ORDERS (RULE 327).**

Unless prohibited by statute, the substance of orders and the relief provided by orders may differ from the relief requested or proposed by any party. The Commission's order may provide for any result supported by the record before the Commission without regard to whether each component of the order or any component of the order was specifically recommended by a party to the proceeding. (7-1-93)

328. -- 330. (RESERVED)

**RECONSIDERATION  
(RULES 331 THROUGH 340)**

**331. PETITIONS AND CROSS-PETITIONS FOR RECONSIDERATION (RULE 331).**

**01. Petition for Reconsideration.** Within twenty-one (21) days after the service date of issuance of any final order, any person interested in a final order or any issue decided in a final order of the Commission may petition for reconsideration. Petitions for reconsideration must set forth specifically the ground or grounds why the petitioner contends that the order or any issue decided in the order is unreasonable, unlawful, erroneous or not in conformity with the law, and a statement of the nature and quantity of evidence or argument the petitioner will offer if reconsideration is granted. See Section 61-626, Idaho Code. (4-5-00)

**02. Cross-Petition for Reconsideration.** Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration in response to any issues raised in the petition for reconsideration. Cross-petitions for reconsideration must set forth specifically the ground or grounds why the cross-petitioner contends that the order or any issue decided in the order is unreasonable, unlawful, erroneous or not in conformity with the law, and a statement of the nature and quantity of evidence or argument that the cross-petitioner will offer if reconsideration is granted. See Section 61-626, Idaho Code. (4-5-00)

**03. Methods of Reconsideration Requested.** The petition or cross-petition must state whether the petitioner or cross-petitioner requests reconsideration by evidentiary hearing, written briefs, comments, or interrogatories. (7-1-93)

**04. Timely Filing -- Mailbox Rules.** A petition for reconsideration is timely within the meaning of Section 61-626, Idaho Code, if it is filed with the Commission or postmarked no later than twenty-one (21) days after the date of service of the final order. Whenever a petition for reconsideration is mailed, rather than personally delivered, and it is not postmarked within eighteen (18) days from the date of service of the final order, the petitioner should notify the Commission Secretary and all other parties by telephone that the petition for reconsideration has been mailed. A cross-petition for reconsideration is timely filed within the meaning of Section 61-626, Idaho Code, if it is filed with the Commission or postmarked no later than seven (7) days after the petition for reconsideration to which it responds is received in the Office of the Commission Secretary. Whenever a cross-petition for reconsideration is mailed, rather than personally delivered, and is not postmarked within four (4) days from the date of receipt of the petition for reconsideration by the Commission Secretary, the cross-petitioner should notify the Commission Secretary and all other parties by telephone that the cross-petition for reconsideration has been mailed. (4-5-00)

**05. Answers to Petitions for Reconsideration.** Answers to petitions for reconsideration (pleadings that disagree with a petition for reconsideration, but do not ask for affirmative relief from the Commission's orders) must be filed according to the procedures for cross-petitions for reconsideration. (7-1-93)

**332. PROCEDURE AT RECONSIDERATION (RULE 332).**

The Commission may grant reconsideration upon petition of any interested person or upon its own motion. Prehearing conferences may be convened before reconsideration. Reconsiderations by rehearing are conducted in accordance with the procedure at other hearings, except that parties whose petitions are granted are treated as complainants or petitioners under Rule 249. When the order for reconsideration finds that the grounds upon which the petition is granted present only issues of law and not of fact or issues of fact not requiring hearings, the Commission may direct that these grounds be considered on reconsideration by submission of briefs, memoranda, written interrogatories or written statements and not by further submission of evidence at hearing. Grounds for reconsideration or issues on reconsideration that are not supported by specific explanation may be dismissed. Rule 311 determines when a matter that is reconsidered is finally submitted for purposes of Section 61-626, Idaho Code. (7-1-93)

**333. EFFECT OF FILING PETITION FOR RECONSIDERATION (RULE 333).**

Filing a petition for reconsideration does not excuse compliance with any order nor stay the effectiveness of any order, unless otherwise ordered. Petitions to stay may accompany or precede petitions for reconsideration. (7-1-93)

**334. -- 340. (RESERVED)**

**APPEAL  
(RULES 341 THROUGH 350)**

**341. PERSONS WHO MAY APPEAL (RULE 341).**

**01. Parties Aggrieved by Order Following Petition for Reconsideration.** After a petition for reconsideration is denied, or, if the petition is granted, then after the rendition of the decision on reconsideration, the state of Idaho or any party aggrieved may appeal from any such order of the Commission by filing with the Commission Secretary a notice of appeal conforming to the requirements of the Idaho Appellate Rules within the time provided by the Idaho Appellate Rules. See Section 61-627, Idaho Code. (7-1-93)

**02. Parties Aggrieved by Denial of Petition for Reconsideration.** No person is a party aggrieved by an order denying reconsideration unless the person is a party that petitioned for reconsideration and presented the ground(s) and issue(s) on which it contends it was aggrieved by earlier orders of the Commission as issue(s) on reconsideration pursuant to Rule 331 and the Commission denied reconsideration on some or all of those issues. (7-1-93)

**03. Parties Aggrieved Following Reconsideration.** No party is aggrieved by an order issued on reconsideration unless: (7-1-93)

**a.** The party petitioned or cross-petitioned for reconsideration, its petition or cross-petition was granted, and the order issued on reconsideration did not grant the relief requested in the party's petition or cross-petition for reconsideration with regard to some or all of the grounds and issues on reconsideration presented in its petition or cross-petition; or (7-1-93)

**b.** The party did not petition or cross-petition for reconsideration, but stated on the record, by motion, or by brief that it opposed any alteration or change in the Commission's earlier order(s) on some or all of the grounds associated with issue(s) on reconsideration, and the order issued on reconsideration altered or changed the earlier order(s) with regard to some or all of the grounds or issues on reconsideration that the party opposed. (7-1-93)

**342. NOTICE OF APPEAL (RULE 342).**

The notice of appeal must be filed with the Commission Secretary as provided in the Idaho Appellate Rules. A notice of appeal is not considered filed for any purpose when it is mailed, but is only considered filed when it is received by the Commission Secretary. (7-1-93)

**343. PREPARATION OF APPELLATE RECORD (RULE 343).**

The Commission by order may correct the title of an appeal to properly designate all parties as appellants, cross-appellants, respondents, or cross-respondents and to omit those designations for parties before the Commission who are not parties on appeal. All requests for a transcript on appeal must be served on the reporter and on the Commission Secretary. Reporter's fees under Idaho Appellate Rule 24(c) should be paid directly to the reporter, not to the Commission Secretary. The Secretary's fees under Idaho Appellate Rule 27(b) for preparation of the agency's record are the same fees provided in that rule for the clerk of the district court to charge for preparation of the clerk's record. (4-5-00)

**344. -- 350. (RESERVED)**

**SETTLEMENT OF APPEAL FROM THE COMMISSION  
(RULES 351 THROUGH 360)**

**351. DISMISSALS (RULE 351).**

Settlements in which appellants or cross-appellants from orders of the Commission agree to dismiss appeals, cross-appeals, or issues on appeal or cross-appeal without requiring the alteration, amendment or rescission of any Commission order are called dismissals. Any party may dismiss any appeal, cross-appeal, or issue on appeal or cross-appeal without any involvement of the Commission. Dismissals are governed solely by the procedures established by the Supreme Court of Idaho. (7-1-93)

**352. SETTLEMENTS CALLING FOR COMMISSION ACTION (RULE 352).**

Settlements in which one (1) or more parties agree to dismiss an appeal, cross-appeal, or issue on appeal or cross-appeal in conjunction with the alteration, amendment or rescission of a Commission order are called settlements calling for Commission action. If any party to an appeal wishes to attempt to negotiate a settlement calling for Commission action, it must notify the Commission and all other parties to the appeal of its intention to do so. If the Commission believes that settlement negotiations are in the public interest, it may authorize the Commission Staff to enter into settlement negotiations. In conducting those negotiations, the Staff must abide by Rule 272 with regard to active settlements of issues before the Commission. Settlement negotiations are confidential, unless all participants to the negotiation agree to the contrary. (7-1-93)

**353. SUGGESTION FOR INQUIRY ABOUT SETTLEMENTS (RULE 353).**

In authorizing the Staff to enter into settlement negotiations for a settlement calling for Commission action, the Commission may invite settlement of the entire appeal (including cross-appeals) or of certain issues. The authorization must be in writing and served upon all parties, but need not be done by notice or order. In authorizing negotiation for settlement calling for Commission action, the Commission or individual Commissioners may indicate acceptable ranges of settlement, preclude certain issues from settlement, or otherwise inform the parties of its views on settlement of an appeal calling for Commission action in aid of securing a just, speedy and economical settlement negotiation. Neither the Commission nor individual Commissioners will indicate ex parte their views on the merits of any proposed settlement. (7-1-93)

**354. CONSIDERATION OF SETTLEMENT ON APPEAL (RULE 354).**

When a settlement of an appeal calling for Commission action is presented to the Commission, the Commission will prescribe procedures appropriate to the nature of the settlement to consider the settlement. For example, the Commission may accept settlement of essentially private disputes that have no significant implications for regulatory law or policy or for other utilities or customers summarily upon the written request of the affected parties. On the other hand, when one (1) or more parties to the appeal is not party to the settlement or when the settlement presents issues of significant implication for other utilities, other customers or the public interest, the Commission may convene an evidentiary hearing to consider the reasonableness of the settlement and whether acceptance of the settlement is in the public interest. In all cases, the Commission will follow the procedure established by Section 61-624, Idaho Code, with regard to alteration, amendment or rescission of any order affected by the settlement. (7-1-93)

**355. BURDENS OF PROOF (RULE 355).**

Proponents of a proposed settlement carry the burden of showing that the settlement is reasonable, in the public interest, or otherwise in accordance with law or regulatory policy. In any instance in which parties or affected persons oppose the settlement, proponents of the settlement should be prepared to call witnesses and argue in favor of the settlement. Opponents of the settlement should be prepared to examine supporting witnesses, offer opposing witnesses or argue against the settlement. The Commission may require the development of an appropriate record in support of or opposition to a proposed settlement as a condition of accepting or rejecting the settlement. (7-1-93)

**356. SETTLEMENTS NOT BINDING (RULE 356).**

The Commission is not bound by settlement agreements. It will independently review any settlement proposed to it to determine whether the settlement is just, fair and reasonable, in the public interest or otherwise in accordance with law or regulatory policy. When a settlement agreement is presented to the Commission for its approval, the Commission may accept the settlement, reject the settlement, or state additional conditions under which the settlement will be accepted. In the last instance, the parties will have twenty-one (21) days to state their acceptance or rejection of the additional conditions imposed by the Commission. (7-1-93)

**357. -- 999. (RESERVED)**

**IDAPA 31  
TITLE 11  
CHAPTER 01**

**31.11.01 – SAFETY AND ACCIDENT REPORTING RULES FOR UTILITIES  
REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION**

**000. LEGAL AUTHORITY (RULE 0).**

These rules adopt by reference national safety codes and require the reporting of certain accidents under the general authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and under the specific authority of Sections 61-515 and 61-517, Idaho Code. (3-29-10)

**001. TITLE AND SCOPE (RULE 1).**

The name of this chapter is “Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission.” This chapter has the following scope: All electric and telephone corporations subject to the regulation of the Idaho Public Utilities Commission are required to abide by the safety regulations adopted in Rule 101; all gas and pipeline corporations are required to abide by the safety regulations adopted in Rules 201 through 203; and all electrical, gas, pipeline, telephone, and water corporations are required to abide by the safety and accident reporting requirements of Rules 301 and 302. (7-1-93)

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (6-30-19)T

**003. ADMINISTRATIVE APPEALS (RULE 3).**

Any person requesting a waiver from any provision of these safety rules or accident reporting rules may petition the Idaho Public Utilities Commission for a waiver pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. (4-1-98)

**004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).**

Notes of telephone reports required by Rule 301 and written reports required by Rule 302 are public records subject to inspection, examination and copying. Further investigative reports by the Commission or the Commission Staff are investigatory records exempt from disclosure. See Sections 74-101(6) and 74-105(1), Idaho Code. Reports required by these rules and the results of further investigations by the Commission are by statute prohibited from admission into evidence in any action for damages based on or arising out of the loss of life or injury to the person or property. See Section 61-517, Idaho Code. (3-29-10)

**005. DEFINITIONS (RULE 5).**

**01. Utilities.** The terms “electrical corporation,” “gas corporation,” “pipeline corporation,” “telephone corporation,” and “water corporation” have the meanings given to them by statute in Chapter 1, Title 61, Idaho Code; orders of the Idaho Public Utilities Commission; and decisions of the Idaho Supreme Court construing these statutes. (3-29-10)

**02. Serious Damage.** Damage to natural gas facilities caused by a natural disaster or terrorism that results in a loss of or reduction in pipeline throughput or storage deliverability. (4-2-08)

**03. Serious Interruption of Service.** Interruptions of natural gas pipeline service to communities, major governmental installations, and large industrial plants outside of communities or any other interruption that is significant in the judgment of the natural gas pipeline. Interruptions of less than three (3) hours or planned maintenance outages need not be reported. (4-2-08)

**006. -- 007. (RESERVED)**

**008. INCORPORATION BY REFERENCE – CODE OF FEDERAL REGULATIONS (RULE 8).**

Rules 101, 201, and 302 incorporate by reference various national safety codes and federal gas pipeline safety regulations. Each applicable rule identifies the issuing entity for each code or regulation and indicates where the incorporated materials may be obtained. Incorporated materials are also available for inspection and copying at the

offices of the Idaho Public Utilities Commission and the Idaho State Law Library.

(4-2-08)

**009. -- 100. (RESERVED)**

**ELECTRIC AND TELEPHONE UTILITIES**

**RULES 101 THROUGH 200**

**101. NATIONAL ELECTRICAL SAFETY CODE (NESC) (RULE 101).**

The Commission adopts by reference the American National Standards Institute (ANSI) C2-2017 National Electrical Safety Code (NESC), 2017 Edition. The National Electrical Safety Code, 2017 Edition, is published by the Institute of Electrical and Electronics Engineers, Inc., and is available from the Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, New York, NY 10016-5997 and may be ordered by calling 1-800-678-IEEE. All electrical and telephone corporations subject to the Commission's jurisdiction are required to abide by applicable provisions of the NESC. (4-11-19)

**102. -- 200. (RESERVED)**

**TRANSPORTATION OF NATURAL GAS BY PIPELINES --**  
**LIQUEFIED NATURAL GAS FACILITIES -- TRANSPORTATION OF HAZARDOUS LIQUIDS**  
**BY PIPELINE -- INTERNATIONAL FUEL GAS CODE --**  
**INTERNATIONAL MECHANICAL CODE**

**(RULES 201 THROUGH 300)**

**201. FEDERAL NATURAL GAS SAFETY REGULATIONS (RULE 201).**

The Commission incorporates by reference Part 260.9, Title 18 (April 1, 2017) and Parts 191, 192, 193, 195, and 199, Title 49, the Code of Federal Regulations (October 1, 2017), except that federal accident reporting requirements contained in the rules adopted by reference in Rule 201 are replaced for state reporting purposes by orders of the Commission or rules of the Commission. These regulations are found in the Code of Federal Regulations, available on the web from the U.S. Government Bookstore, <http://bookstore.gpo.gov>, and click on "Code of Federal Regulations," or by calling toll-free 866-512-1800. The incorporated CFR Parts are also available in electronic format at <https://www.gpo.gov/fdsys>. All gas and pipeline corporations subject to the Commission's jurisdiction are required to abide by applicable provisions of these federal regulations adopted by reference. (3-28-18)

**202. -- 300. (RESERVED)**

**REPORTING OF ACCIDENTS AND SERVICE INTERRUPTIONS**

**(RULES 300 THROUGH 400)**

**301. IMMEDIATE REPORTING OF FATALITIES AND CERTAIN ACCIDENTS AND MAJOR NATURAL GAS INTERRUPTIONS (RULE 301).**

**01. Fatality and Hospitalization Reporting.** Whenever any employee of an electrical corporation, gas corporation, pipeline corporation, telephone corporation, or water corporation or any member of the public dies or requires in-patient hospitalization as a result of contact with or proximity to utility operating property, the utility must notify the Commission by telephone of the fatality or hospitalization no later than the first business day following discovery of the fatality or reporting of the hospitalization, except as provided in Subsection 31.11.01.301.02. Reports should be made to the Commission Secretary at (208) 334-0338. (3-29-10)

**02. Operating Property -- Motor Vehicle Accident Exception.** As used in this rule, operating property means electric plant as defined in Section 61-118, Idaho Code, gas plant as defined in Section 61-116, Idaho Code, pipelines as defined in Section 61-114, Idaho Code, telephone line as defined in Section 61-120, Idaho Code,

or water systems as defined in Section 61-124, Idaho Code. This reporting rule does not apply to fatalities and hospitalizations arising out of motor vehicle accidents, even if the motor vehicle later comes into contact with utility plant. Office buildings or portions of office buildings not associated with the physical delivery of utility services or commodities are not considered operating property. (3-29-10)

**03. Major Service Interruptions or Damage to Natural Gas Pipelines.** The Commission incorporates by reference Section 260.9, Title 18, the Code of Federal Regulations (April 1, 2009). Every natural gas corporation must report serious damage to natural gas facilities and serious interruptions of service to the Commission. Natural gas corporations should also report other serious damage not caused by natural disaster or terrorism if such damages create the potential for serious delivery problems on its own system or the pipeline grid. (3-29-10)

**302. WRITTEN REPORTING OF ACCIDENTS AND NATURAL GAS INTERRUPTIONS (RULE 302).**

**01. Reporting Required.** In addition to any telephone reporting required under Rule 301, a written report shall be submitted for: (4-2-08)

- a. Every accident involving an employee of the utility or member of the public that results in a fatality or in-patient hospitalization; (4-2-08)
- b. Any other accident the utility finds significant; or (4-2-08)
- c. Serious damage or service interruption of natural gas pipelines. (4-2-08)

**02. Submitting the Written Report.** All written reports shall be submitted to the Commission within twenty one (21) days after the fatality or hospitalization is discovered. Reports regarding serious damage or service interruption shall be submitted at the earliest feasible time. Reports should be mailed to:

COMMISSION SECRETARY

IDAHO PUBLIC UTILITIES COMMISSION  
PO BOX 83720  
BOISE, ID 83720-0074

Street Address for Express Mail:  
472 W. WASHINGTON ST.  
BOISE, ID 83702-5918

Copies of such reports may also be provided by facsimile at (208) 334-3762 or by electronic mail at [secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov). (3-29-10)

**03. Contents of Written Accident Report.** There is no standard form for written reports prescribed by this rule. Gas companies may file copies of reports submitted to federal regulators under 49 C.F.R. Part 191. All reports submitted shall contain the following information: (3-29-10)

- a. Name of person(s) involved in the accident; (7-1-93)
- b. Status of persons involved in the accident (e.g., employees, children, contractors, etc.); (7-1-93)
- c. Time of day, day of the week and month, and location of the accident or discovery of the accident; (4-2-08)
- d. Description of the accident and events leading up to the accident; and (4-2-08)
- e. The company name, contact person, e-mail address and direct telephone number of the reporting official. (3-29-10)

**04. Contents of Written Report Involving Damage or Interruption to Natural Gas Facilities.** All written reports shall provide the following information: (4-2-08)

- a. The location and cause of the service interruption or damage to natural gas pipeline or storage

- facilities; (4-2-08)
- b.** The nature of the serious damage to pipeline or storage facility; (4-2-08)
  - c.** The specific identification and location of any facilities damaged; (4-2-08)
  - d.** The time the service interruption or damage to facilities occurred; (4-2-08)
  - e.** The customers affected by the interruption of service or damage to facilities; (4-2-08)
  - f.** A brief description of emergency actions taken to maintain service; (4-2-08)
  - g.** An estimate of the time (if available) when pipeline throughput or storage deliverables are expected to be restored; and (4-2-08)
  - h.** The company name, contact person, e-mail address and direct telephone number of the reporting official. (3-29-10)

**303. USE OF REPORTS (RULE 303).**

The Commission may find that reports required by Rules 301 and 302 constitute an adequate investigation of the accident reported, may direct the utility to provide further information to the Commission, or may direct its Staff or others to conduct further investigations. Reports required by Rules 301 and 302 and the results of further investigations by the Commission are by statute prohibited from admission into evidence in any action for damages based on or arising out of the loss of life or injury to the person or property. See Section 61-517, Idaho Code. (4-1-98)

**304. -- 999. (RESERVED)**

**IDAPA 31  
TITLE 12  
CHAPTER 01**

**31.12.01 – SYSTEMS OF ACCOUNTS FOR PUBLIC UTILITIES REGULATED  
BY THE IDAHO PUBLIC UTILITIES COMMISSION**

**000. LEGAL AUTHORITY (RULE 0).**

These rules are adopted under the general legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and the specific legal authority of Section 61-524, Idaho Code. (7-1-93)

**001. TITLE AND SCOPE (RULE 1).**

The name of this chapter is “Systems of Accounts for Public Utilities Regulated by the Idaho Public Utilities Commission.” This chapter has the following scope: All Class A and B electric, gas, telephone, and water public utilities are required to maintain their books and records according to the systems of accounts adopted by this rule. (7-1-93)

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (6-30-19)T

**003. ADMINISTRATIVE APPEALS (RULE 3).**

Any person requesting a waiver from any provision of the Uniform Systems of Accounts pay petition the Idaho Public Utilities Commission for a waiver pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

**004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).**

All correspondence with regard to the Uniform System of Accounts is a public record subject to inspection, examination and copying. (7-1-93)

**005. DEFINITIONS (RULE 5).**

The terms “electrical corporation,” “gas corporation,” “telephone corporation,” and “water corporation” have the meanings given to them by statute in Chapter 1, Title 61, Idaho Code and orders of the Idaho Public Utilities Commission and decisions of the Supreme Court of Idaho construing those statutes. (7-1-93)

**006. -- 007. (RESERVED)**

**008. INCORPORATION BY REFERENCE (RULE 8).**

Rule 101, 102, 103 and 104 incorporate by reference various federal accounting regulations and accounting standards issued by the National Association of Regulatory Utility Commissioners. Each applicable rule identifies the issuing entity for each regulation or standard and indicates where the incorporated materials may be obtained. Incorporated materials are also available for inspection and copying at the offices of the Idaho Public Utilities Commission and the Idaho State Law Library. (4-2-08)

**009. -- 100. (RESERVED)**

**UNIFORM SYSTEMS OF ACCOUNTS**

**RULES 101 THROUGH 200**

**101. UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC UTILITIES (RULE 101).**

The Commission adopts by reference the Uniform System of Accounts for Major (previously Class A and B) Electric Utilities contained in the Code of Federal Regulations, Title 18, Part 101 (April 1, 2007), available from the U.S. Government Printing Office, Attn: New Orders, PO Box 979050, St. Louis, MO 63197-9000. The incorporated material is also available in electronic format at [www.ofr.gov](http://www.ofr.gov). For payment by credit card, call toll-free 866-512-1800. The accounts adopted by reference are adopted for convenience of establishing uniform systems of accounts only for accounting and reporting and do not bind the Commission in any manner to any particular ratemaking

treatment of items in those accounts. All Major electrical corporations subject to the regulatory authority of the Idaho Public Utilities Commission are required to maintain their regulatory books according to the system of accounts adopted by this rule. (4-2-08)

**102. UNIFORM SYSTEM OF ACCOUNTS FOR GAS UTILITIES (RULE 102).**

The Commission adopts by reference the Uniform System of Accounts for Major (previously Class A and B) Natural Gas Companies contained in the Code of Federal Regulations, Title 18, Part 201 (April 1, 2007), available from the U.S. Government Printing Office, Superintendent of Documents, Attn: New Orders, PO Box 979050, St. Louis, MO 63197-9000. The incorporated material is also available in electronic format at [www.ofr.gov](http://www.ofr.gov). For payment by credit card, call toll-free 866-512-1800. The accounts adopted by reference are adopted for convenience of establishing uniform systems of accounts only for accounting and reporting and do not bind the Commission in any manner to any particular ratemaking treatment of items in those accounts. All Major gas corporations subject to the regulatory authority of the Idaho Public Utilities Commission are required to maintain their regulatory books according to the system of accounts adopted by this rule. (4-2-08)

**103. UNIFORM SYSTEM OF ACCOUNTS FOR TELEPHONE UTILITIES (RULE 103).**

The Commission adopts by reference the Uniform System of Accounts for Class A and B Telephone Utilities contained in the Code of Federal Regulations, Title 47, Part 32 (October 1, 2007), available from the U.S. Government Printing Office, Superintendent of Documents, Attn: New Orders, PO Box 979050, St. Louis, MO 63197-9000. The incorporated material is also available in electronic format at [www.ofr.gov](http://www.ofr.gov). For payment by credit card, call toll-free 866-512-1800. The accounts adopted by reference are adopted for convenience of establishing uniform systems of accounts only and do not bind the Commission in any manner to any particular ratemaking treatment of items in those accounts. All Class A and B telephone corporations subject to the regulatory authority of the Idaho Public Utilities Commission are required to maintain their regulatory books according to the system of accounts adopted by this rule. (4-2-08)

**104. UNIFORM SYSTEM OF ACCOUNTS FOR WATER UTILITIES (RULE 104).**

The Commission adopts by reference the Uniform System of Accounts for Class A and B Water Utilities, 1996 Edition, published by the National Association of Regulatory Utility Commissioners (NARUC), available from NARUC at 1101 Vermont Avenue, NW, Suite 200, Washington, D.C. 20005. The Uniform System of Accounts may be purchased from NARUC by calling 202-898-2280 or ordered online at [www.naruc.org/store](http://www.naruc.org/store). The accounts adopted by reference are adopted for the convenience of establishing uniform systems of accounts only and do not bind the Commission in any manner to any particular ratemaking treatment of items in these accounts. All Class A and B water corporations subject to the regulatory authority of the Idaho Public Utilities Commission are required to maintain their regulatory books according to the system of accounts adopted by this rule. (4-2-08)

**105. -- 999. (RESERVED)**

**IDAPA 31  
TITLE 21  
CHAPTER 01**

**31.21.01 – CUSTOMER RELATIONS RULES FOR GAS,  
ELECTRIC, AND WATER PUBLIC UTILITIES  
(THE UTILITY CUSTOMER RELATIONS RULES)**

**000. LEGAL AUTHORITY (RULE 0).**

These rules are adopted under the general legal authority of the Public Utilities Law, Chapters 1 through 7, Idaho Code, and the specific legal authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, and 61-520, Idaho Code. (7-1-93)

**001. TITLE AND SCOPE (RULE 1).**

The name of this chapter is “Customer Relations Rules for Gas, Electric and Water Public Utilities (the Utility Customer Relations Rules).” This chapter has the following scope: These rules provide a set of fair, just, reasonable, and non-discriminatory rules with regard to deposits, guarantees, billing, application for service, denial of service, termination of service and complaints to utilities. (3-29-10)

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (6-30-19)T

**003. ADMINISTRATIVE APPEALS (RULE 3).**

This rule governs consideration of exemptions and complaints under these rules. Any person requesting and receiving an informal staff determination with regard to an exemption or complaint may formally or informally request the Commission to review the Staff’s determination. (7-1-93)

**01. Exemptions From Rules.** Rule 9 authorizes persons or utilities to request exemptions from these rules. This paragraph governs procedure for requests for exemptions. (7-1-93)

**a.** Any applicant, customer or utility may informally request an exemption from any provision of these rules for a specific applicant or applicants or customer or customers by writing the Commission’s consumer assistance staff at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074 or by telephoning the Commission’s Consumer Assistance Staff at 334-0369 (Boise area) or 1 (800) 432-0369 (out of Boise calling area). Any such person may in writing or by telephone request the Commissioners to informally or formally review the Staff’s decision. (7-1-93)

**b.** Any applicant, customer or utility may formally petition the Commission for an exemption pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

**c.** Any utility requesting an exemption for all of its customers must formally petition the Commission pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

**02. Complaints.** Rule 402 authorizes persons or utilities to file complaints under these rules. This subsection governs procedure for filing complaints under these rules. (7-1-93)

**a.** Any applicant, customer or utility may file an informal complaint under any provision of these rules concerning a specific applicant or applicants or customer or customers by writing the Commission’s consumer assistance staff at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074 or by telephoning the Commission’s Consumer Assistance Staff at 334-0369 (Boise area) or 1 (800) 432-0369 (out of Boise calling area). Any such person may in writing or by telephone request the Commissioners to informally or formally review the Staff’s decision. (7-1-93)

**b.** Any applicant, customer or utility may file a formal complaint under these rules with the Commission pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

**004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).**

All requests for waivers of these rules are public records subject to inspection, examination and copying under the Public Records Act. All informal complaints concerning public utilities' compliance with the requirements of the Public Utilities Act and this Commission's rules and orders are investigatory records exempt from disclosure under the Public Records Act. All formal complaints concerning public utilities' compliance with these rules are public records subject to inspection, examination and copying under the Public Records Act. (7-1-93)

**005. DEFINITIONS (RULE 5).**

The following definitions are used in this title and chapter: (7-1-93)

**01. Applicant.** Unless restricted by definition within a rule or group of rules to a particular class of service, "applicant" means any potential customer who applies for service from a utility. Utilities may require an adult or minor competent to contract to join a minor not competent to contract as an applicant. (3-20-04)

**02. Customer.** Unless restricted by definition within a rule or group of rules to a particular class of customer, "customer" means any person who has applied for, has been accepted by the utility, and is: (3-20-04)

**a.** Receiving service from a utility; or (7-1-93)

**b.** Has received service within the past ten (10) calendar days prior to termination by the utility; or (3-20-04)

**c.** Has assumed responsibility for payment of service provided to another or others. If the person receiving service is not the same person as the person assuming responsibility for payment of service, the latter is the customer for purposes of obtaining or terminating service, receiving refunds, or making changes to the account. (3-20-04)

**03. Utility.** Unless restricted by definition within a rule or group of rules, "utility" means any public utility providing gas, electric or water service subject by law to the Commission's jurisdiction, whether previously certified or not. (7-1-93)

**006. -- 007. (RESERVED)**

**008. EXERCISE OF RIGHTS BY CUSTOMER (RULE 8).**

No utility shall discriminate against or penalize a customer for exercising any right granted by these rules. (7-1-93)

**009. EXEMPTIONS FROM RULES (RULE 9).**

If unusual or unreasonable hardships result from the application of any of these rules, any utility or customer may apply to the Commission for, or the Commission on its own motion may order, a permanent or temporary exemption. (7-1-93)

**010. INFORMAL INTERPRETATION OF RULES (RULE 10).**

The Commission may authorize designated staff members to make and give informal interpretations of these rules and regulations and the utility tariffs on file with the Commission, and to investigate complaints filed with this Commission. These interpretations, which do not bind the Commission, will be distributed to utilities governed by these rules and interested consumer groups and be available from the director of the Commission's consumer assistance staff. The Commission reserves to itself the authority to issue formal declaratory orders concerning interpretation of these rules and utility tariffs and to resolve formal complaints. (7-1-93)

**011. CONFLICT WITH UTILITY TARIFFS (RULE 11).**

If a utility's tariff on file with the Commission contains provisions that deny or restrict customer's rights protected by any of these rules, these rules supercede any conflicting tariff provisions that deny or restrict any of those rights. (7-1-93)

**012 -- 099. (RESERVED)**

**DEPOSIT PRACTICES FOR RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS**

**RULES 100 TO 199**

**100. FURTHER DEFINITIONS (RULE 100).**

As used in Rules 101 through 109: (7-1-93)

**01. Applicant.** “Applicant” is restricted from its general definition to refer only to applicants for residential or small commercial service, unless further restricted by the rule. (7-1-93)

**02. Customer.** “Customer” is restricted from its general definition to refer to a residential or small commercial customer, unless further restricted by the rule. (7-1-93)

**03. Deposit.** “Deposit” means any payment held as security for future payment or performance that is reimbursable after the customer establishes good credit. (7-1-93)

**04. Residential and Small Commercial Classes.** The Commission will maintain on file a list of which customer classes of a given utility are residential and which are small commercial. (7-1-93)

**101. DEPOSIT REQUIREMENTS (RULE 101).**

**01. Residential Customers.** No utility shall demand or hold a deposit from any current residential customer or applicant for residential service without proof that the customer or applicant is likely to be a credit risk or to damage the property of the utility. A lack of previous history with the utility does not, in itself, constitute such proof. A utility shall not demand or hold a deposit under this rule as a condition of service from a residential customer or applicant unless one or more of the following criteria applies: (5-3-03)

**a.** The customer or applicant has outstanding a prior residential service account with the utility that accrued within the last four (4) years and at the time of application for service remains unpaid and not in dispute. (5-3-03)

**b.** The customer’s or applicant’s service from the utility has been terminated within the last four (4) years for one (1) or more of the following reasons: (5-3-03)

**i.** Nonpayment of any undisputed delinquent bill; (7-1-93)

**ii.** Misrepresentation of the customer’s or applicant’s identity for the purpose of obtaining utility service; (7-1-93)

**iii.** Failure to reimburse the company for damages due to negligent or intentional acts of the customer; (7-1-93)

**iv.** Obtaining, diverting or using service without the authorization or knowledge of the utility. (7-1-93)

**c.** Information provided by the applicant upon application for service is materially false or materially misrepresentative of the applicant’s true status. (7-1-93)

**d.** The applicant did not have service with the utility for a period of at least twelve (12) consecutive months during the last four (4) years, and does not pass an objective credit screen. (5-3-03)

**e.** The applicant requests service at a residence where a former customer who owes a past due balance for service incurred at that location still resides. (5-3-03)

**f.** The utility has given the customer two (2) or more written final notices of termination within the last twelve (12) consecutive months. (5-3-03)

**02. Small Commercial Customers.** A utility shall not demand or hold a deposit as a condition of

service from any current small commercial customer or applicant for small commercial service unless one or more of the following criteria apply: (7-1-93)

- a. Any of the criteria listed in Rule Subsection 101.01 of this rule are present. (7-1-93)
- b. The applicant is applying for service for the first time from that utility. (7-1-93)

**03. Bankrupt Customers.** If an applicant for service or a customer, either residential or small commercial, has sought any form of relief under the Federal Bankruptcy Laws, has been brought within the jurisdiction of the bankruptcy court for any reason in an involuntary manner, or has had a receiver appointed in a state court proceeding, then deposit may be demanded as allowed by the Federal Bankruptcy Act of 1978, as amended, and, in particular, 11 USC 366, or as directed by the state court. (7-1-93)

**102. OTHER DEPOSIT STANDARDS PROHIBITED -- RESIDENTIAL CUSTOMERS (RULE 102).**

A utility shall not require a deposit or other guarantee as a condition of new or continued residential utility service based upon residential ownership or location, income level, source of income, employment tenure, nature of occupation, race, creed, sex, age, national origin, marital status, number of dependents, or any other criterion not authorized by these rules. Rules governing deposits shall be applied uniformly. (5-3-03)

**103. (RESERVED)**

**104. EXPLANATION FOR REQUIREMENT OF DEPOSIT (RULE 104).**

If the utility requires a cash deposit as a condition of providing service, then it shall immediately provide an explanation to the applicant or customer stating the precise reasons why a deposit is required. The applicant or customer shall be given an opportunity to rebut those reasons. In the event of a dispute, the applicant or customer shall be advised that an informal or formal complaint may be filed with the Commission. (3-20-04)

**105. AMOUNT OF DEPOSIT (RULE 105).**

**01. Amount of Deposit.** A deposit allowed pursuant to Rule 101 as a condition of service shall not exceed one-sixth (1/6) the amount of reasonably estimated billing for one (1) year at rates then in effect. Where gas service is used for space heating purposes only, the deposit shall not exceed the total of the two (2) highest months' bills during the previous twelve (12) consecutive months, adjusted for currently effective rates. Deposit amounts shall be based upon the use of service at the premises during the prior year or upon the type and size of equipment using the utility's service. (4-2-08)

**02. Installment Payments of Deposit.** The utility shall advise the applicant or customer that the deposit may be paid in two (2) installments. One-half (1/2) of the deposit amount shall be due immediately with the remaining installment payable in one (1) month. (4-2-08)

**106. INTEREST ON DEPOSITS (RULE 106).**

**01. Interest Payable.** Interest will be payable on all deposited amounts at the rate provided by Subsection 106.02 of this rule. Interest will accrue from the date the deposit or deposit installment is made until the deposit is refunded or applied to the customer's utility bill; however, interest will not accrue on a deposit or deposit installment if: (7-1-93)

a. Service is terminated temporarily at the request of a customer who leaves the deposit with the utility for future use as a deposit; or (7-1-93)

b. Service has been permanently terminated and the utility has been unsuccessful in its attempt to refund a deposit. (7-1-93)

**02. Interest Rate.** On or before November 15 of each year, the Commission will determine the twelve month average interest rate for one-year Treasury Bills for the previous November 1 through October 31, round that rate to the nearest whole percent, and notify the utilities of its determination of this interest rate. That rate will be in effect for the following calendar year for all deposits described in Rule Subsection 106.01 of this rule. (7-1-93)

**107. RETURN OF DEPOSIT (RULE 107).**

**01. Former Customers.** Upon termination of service, the deposit (with accrued interest) shall be credited to the final bill. The balance of the deposit remaining, if any, shall be returned promptly to the customer. (3-20-04)

**02. Existing Customers.** If the customer has paid all undisputed bills and has no more than one (1) late payment during the past twelve (12) consecutive months of service, the utility shall promptly return the deposit (with accrued interest) by either crediting the customer's current account or issuing a refund. (3-20-04)

**03. Retention During Dispute.** The utility may retain the deposit pending the resolution of a dispute over termination of service. If the deposit is later returned to the customer, the utility shall pay interest at the annual rates established in Rule 106 for the entire period over which the deposit was held. (7-1-93)

**04. Early Return of Deposit.** A utility may refund a deposit plus accrued interest in whole or in part at any time before the time prescribed in this rule. (7-1-93)

**108. TRANSFER OF DEPOSIT (RULE 108).**

Deposits shall not be transferred from one customer to another customer or between classes of service, except at the customer's request. When a customer with a deposit on file transfers service to a new location within the same utility's service area, the deposit (with accrued interest) shall be either transferred to the account for the new location or credited to the customer's current account. (4-6-05)

**109. RECEIPT FOR DEPOSIT -- RECORDS OF DEPOSIT (RULE 109).**

**01. Receipts.** Each customer paying a deposit or the initial installment on a deposit shall then be given a receipt containing or otherwise be provided with the following information: (3-20-04)

**a.** Name of customer and service address for which deposit is held; (7-1-93)

**b.** Date of payment(s); (7-1-93)

**c.** Amount of payment(s); and (7-1-93)

**d.** Statement of the terms and conditions governing the return of deposits. An ordinary receipt may be given for subsequent deposit installments. (7-1-93)

**02. Retention of Records.** Each utility shall maintain records that will enable a customer entitled to a return of a deposit to obtain a refund even though the customer may be unable to produce the original receipt(s) for the deposit. The utility shall maintain a detailed record of all deposits received from customers, showing the name of each customer, the location of the premises occupied by the customer when the deposit is made and each successive location occupied by the customer while the deposit is retained, and the date(s) and amount(s) of the deposits or installments. The utility shall retain records of deposits that have been refunded to customers for a period of three (3) years after the date of refund. The utility shall retain records of unclaimed deposits for a period of seven (7) years as required by Section 14-531, Idaho Code. (3-20-04)

**03. Transfer of Records.** Upon the sale or transfer of any utility or any of its operating units, the seller shall certify to the Commission that it has a list showing the names of all customers whose service is transferred and who have a deposit on file, the date the deposit was made, and the amount of the deposit. (7-1-93)

**110. UNCLAIMED DEPOSITS AND ADVANCE PAYMENTS (RULE 110).**

**01. Presumption of Abandonment.** Pursuant to Section 14-508, Idaho Code, any deposit or advance payment made to obtain or maintain utility service that is unclaimed by the owner for more than one (1) year after termination of service is presumed abandoned. (4-6-05)

**02. Financial Assistance Program.** A utility may apply to the Commission for approval to pay unclaimed deposits and advance payments presumed to be abandoned to a financial assistance program which assists the utility's low income and disadvantaged customers with payment of utility bills. The utility shall remain obligated to file its report of such abandoned property as required by Section 14-517, Idaho Code, and retain records as required by Section 14-531, Idaho Code. (4-6-05)

**111. -- 199. (RESERVED)**

**BILLING**  
**RULES 200 THROUGH 299**

**200. FURTHER DEFINITION (RULE 200).**

As used in Rules 201 through 205, "bill" or "billing" refers to a written request for payment listing charges for services previously rendered or for services billed in advance that is mailed or otherwise delivered to the customer for payment. (7-1-93)

**201. ISSUANCE OF BILLS -- CONTENTS OF BILLS (RULE 201).**

Bills shall be issued on a regular basis. Bills must contain the following information: (3-30-01)

**01. The Billing Date.** (7-1-93)

**02. The Time Period Covered by the Bill.** (7-1-93)

**03. Metered Service Billing.** If metered service is the basis for billing, the beginning and ending meter readings, where the bill is based on actual readings, or a clearly marked statement that the bill is estimated, if the meter was not actually read, and the quantity of service provided, when applicable. (7-1-93)

**04. Comparison of Consumption Data.** (3-29-10)

**a.** Each gas and electric utility shall compare on each customer's regular billing the customer's actual consumption of gas or electricity with the customer's actual consumption of gas or electricity for the corresponding billing period in the previous year. If the billing periods being compared contain a different number of days, the utility shall adjust the data to take into account the different length of the billing periods and show the comparison as an absolute change in therm use or kilowatt hour use per day. (3-29-10)

**b.** Each water utility with more than five thousand (5,000) customers shall compare on each customer's regular billing the customer's actual consumption of water with the customer's actual consumption of water for the corresponding billing period in the previous year. The usage comparison shall be expressed in gallons or cubic feet based upon total consumption for each billing period or average consumption per day during each billing period. (3-29-10)

**05. The Due Date of the Bill.** (7-1-93)

**06. Itemization of All Charges.** An itemization of all charges, both recurring and nonrecurring. (7-1-93)

**07. Any Amount Transferred From Another Account.** (7-1-93)

**08. Any Amounts Past Due.** (7-1-93)

**09. Payments or Credits.** Any payments or credits applied to the customer's account since the last bill. (7-1-93)

**10. The Total Amount Due.** (7-1-93)

**11. Address and Telephone Number.** The mailing address and toll-free telephone number(s) available

to customers in the service territory for answering billing inquiries. (3-30-01)

**202. DUE DATE OF BILLS -- DELINQUENT BILLS (RULE 202).**

**01. Ordinary Due Date.** The utility may require that bills for service be paid within a specified time after the billing date. The minimum specified time after the billing date is fifteen (15) days (or twelve (12) days after mailing or delivery, if bills are mailed or delivered more than three (3) days after the billing date.) Upon the expiration of this time without payment, the bill may be considered delinquent. (7-1-93)

**02. Hardship Exemption.** When a residential customer certifies in writing to the utility that payment by the ordinary due date creates a hardship due to the particular date when the customer receives funds, the due date shall be extended up to an additional fifteen (15) days or at the option of the utility the customer shall be billed in a cycle that corresponds to the customer's receipt of funds. (7-1-93)

**203. BILLING UNDER INAPPROPRIATE TARIFF SCHEDULE (RULE 203).**

**01. Rebilling Required.** If a customer was billed under an inappropriate tariff schedule, the utility shall recalculate the customer's past billings and correctly calculate future billings based on the appropriate tariff schedule. A customer has been billed under an inappropriate tariff schedule if: (7-1-93)

**a.** The customer was billed under a tariff schedule for which the customer was not eligible; or (7-1-93)

**b.** The customer was billed under a tariff schedule based upon information supplied by the customer but the customer's actual demand is insufficient to meet the minimum eligibility requirements for the selected tariff schedule; or (4-2-08)

**c.** The customer, who is eligible for billing under more than one (1) tariff schedule, was billed under a schedule contrary to the customer's election, or the election was based on erroneous information provided by the utility. (7-1-93)

**02. Exceptions.** The utility shall not be required to adjust billings when it has acted in good faith based upon available information or when the customer was given written notice of options under the tariff schedules and did not make a timely election to exercise available options. (7-1-93)

**03. Rebilling Time Period.** When the customer has been overcharged, the period for rebilling shall not exceed three (3) years as provided by Section 61-642, Idaho Code. When the customer has been undercharged, the period for rebilling shall be limited to six (6) months unless a reasonable person should have known of the inappropriate billing, in which case the rebilling period may be extended for a period not to exceed three (3) years. Utilities shall implement procedures designed to monitor and identify customers who may be billed under an inappropriate tariff schedule. (4-2-08)

**04. Refunds and Additional Payments.** The utility shall promptly prepare a corrected billing indicating the refund due the customer or the amount due the utility. (4-2-08)

**a.** A customer who has been undercharged shall be given the opportunity to make payment arrangements under Rule 313 on the amount due. At the customer's option, the term of the payment arrangement may extend for the length of time that the undercharge accrued. (4-2-08)

**b.** The utility shall promptly calculate refund amounts overpaid by the customer and issue a credit on the customer's next bill. Any remaining credit balance may be credited against future bills, unless the customer, after notice from the utility, requests a refund. The utility shall advise the customer of the option to have any remaining credit balance refunded to the customer. (4-2-08)

**204. INACCURATELY BILLED SERVICE UNDER CORRECT TARIFF SCHEDULE -- FAILURE TO BILL FOR SERVICE (RULE 204).**

**01. Errors in Preparation -- Malfunctions -- Failure to Bill.** Whenever the billing for utility service was not accurately determined for reasons such as a meter malfunctioned or failed, bills were estimated, metering equipment was incorrectly installed or programmed, or bills were inaccurately prepared, the utility shall prepare a corrected billing. If the utility has failed to bill a customer for service, the utility shall prepare a bill for the period during which no bill was provided. (4-2-08)

**02. Rebilling Time Period.** (4-2-08)

**a.** If the time when the malfunction or error began or the time when the utility began to fail to bill for service cannot be reasonably determined to have occurred within a specific billing period, the corrected billings shall not exceed the most recent six (6) months before the discovery of the malfunction, error, or failure to bill. (4-2-08)

**b.** If the time when the malfunction, error, or failure to bill began can be reasonably determined and the utility determines the customer was overcharged, the corrected billings shall go back to that time, but not to exceed three (3) years from the time the error or malfunction occurred as provided by Section 61-642, Idaho Code. (4-2-08)

**c.** If the time when the malfunction or error can be reasonably determined and the utility determines the customer was undercharged, the utility may rebill for a period of six (6) months unless a reasonable person should have known of the inaccurate billing, in which case the rebilling may be extended for a period not to exceed three (3) years. Utilities shall implement procedures designed to monitor and identify customers who have not been billed or who have been inaccurately billed. (4-2-08)

**03. Refunds.** The utility shall promptly prepare a corrected billing indicating the refund due to the customer and issue a credit on the customer's next bill. Any remaining credit balance shall be credited against future bills unless the customer, after notice from the utility, requests a refund. The utility shall advise the customer of the option to have any remaining credit balance refunded to the customer. (4-2-08)

**04. Additional Payments.** The utility shall promptly prepare a corrected billing for a customer who has been undercharged indicating the amount owed to the utility. An unbilled or undercharged customer shall be given the opportunity to make payment arrangements under Rule 313 on the amount due. At the customer's option, the term of the payment arrangement may extend for the length of time that the underbilling accrued or the customer was not billed. (4-2-08)

**205. (RESERVED)**

**206. RESPONSIBILITY FOR PAYMENT OF BILLS -- RESIDENTIAL CUSTOMERS (RULE 206).**

**01. Customer Defined.** For purposes of this rule, "customer" means a customer whose name appears on the utility's regular bill for residential service or who signed a written application for service or other document informing the customer that he or she was assuming an obligation for payment for service. (7-1-93)

**02. Customer's Responsibility.** A customer shall not be held responsible for payment of an amount owed by any person who resides at the customer's premises or is a member of the customer's household, but whose name does not appear on the current bill or application for service, unless: (7-1-93)

**a.** The customer signs a written agreement to pay or otherwise expressly accepts responsibility for payment of the other person's bill; or (3-20-04)

**b.** The customer has a legal obligation to pay the other person's bill. (7-1-93)

**03. Customer Notice.** The utility shall provide written notice of its intent to add to the customer's bill for current service an amount owed for: (3-20-04)

**a.** Another person's bill; or (3-20-04)

**b.** Service rendered at a former service location, provided that the lapse in service exceeds sixty (60)

- calendar days. (3-20-04)
- 04. Contents of Notice.** The notice must include: (3-20-04)
- a.** The name of the customer of record who owes the bill amount; (7-1-93)
  - b.** The service location involved; (7-1-93)
  - c.** The time over which the bill amount was accumulated; (3-20-04)
  - d.** The amount owed; (7-1-93)
  - e.** The reason(s) for adding the bill amount to the customer's bill statement; (3-20-04)
  - f.** A statement that payment arrangements may be made on the amount owed; (7-1-93)
  - g.** A statement that the customer has the right to contest the utility's proposed action with the utility or the Commission; and (3-20-04)
  - h.** The response deadline after which the bill amount will be added to the customer's bill statement. (3-20-04)
- 05. Opportunity to Respond.** The customer shall be given a minimum of seven (7) calendar days from the date of the proposed action to respond to the utility's notice. (3-20-04)

**207. BILLING PROHIBITED (RULE 207).**

No utility shall bill for non-utility service(s) or merchandise not ordered or otherwise authorized by the customer of record. Any charges for these services that appear on a customer's bill shall be removed from the customer's bill no later than two (2) billing cycles following notice by the customer to the utility. A utility that unknowingly submits a bill containing charges for non-utility service(s) or merchandise not ordered or otherwise authorized by the customer of record shall not be considered in violation of Rule 207 if the disputed amounts are removed from the customer's bill. (3-30-01)

**208. DEGREE-DAY INFORMATION (RULE 208).**

Upon request, each gas and electric utility shall make degree-day adjusted data available to customers for comparisons of the kind made in Rule 201.04. (3-29-10)

**209. -- 299. (RESERVED)**

**DENIAL AND TERMINATION OF SERVICE AND PAYMENT ARRANGEMENT RULES  
FOR RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS**

**RULES 300 THROUGH 400**

**300. FURTHER DEFINITIONS (RULE 300).**

As used in Rules 301 through 313: (7-1-93)

- 01. Applicant.** "Applicant" is restricted from its general definition to refer only to applicants for residential or small commercial service, unless further restricted by the rule. (7-1-93)
- 02. Customer.** "Customer" is restricted from its general definition to refer only to residential or small commercial customers, unless further restricted by the rule. (7-1-93)
- 03. Non-Utility Service.** "Non-utility service" means: (7-1-93)
- a.** Service for which the Commission does not regulate rates, charges, or availability of service; (7-1-93)

- b. Service for which no rate or charge is contained in the utility's tariffs; or (7-1-93)
- c. Merchandise or equipment or charges for merchandise or equipment not required as a condition of receiving utility service. (7-1-93)

**04. Written Notice.** "Written notice" of the utility's intent to deny or terminate service may be mailed or otherwise delivered to the applicant, resident, occupant, or customer. Written notice may be provided by electronic mail (i.e., e-mail) if the customer is billed electronically and separately consents in writing to "opt-in" to receiving electronic notification. (4-2-08)

**301. EXPLANATION FOR DENIAL OF SERVICE TO APPLICANT (RULE 301).**

**01. Explanation to Applicant.** If the utility intends to deny service to an applicant under Rule 302, the utility shall provide an explanation to the applicant stating the reasons for the utility's refusal to serve. The applicant shall be advised of what action(s) must be taken to receive service. In the event of a dispute, the applicant shall be advised that an informal or formal complaint concerning denial of service may be filed with the Commission. (3-20-04)

**02. Written Notice.** If service is currently being provided to the premises occupied by an applicant, the utility shall provide written notice of its refusal to serve pursuant to Rule 312. (3-20-04)

**302. GROUNDS FOR DENIAL OR TERMINATION OF SERVICE WITH PRIOR NOTICE (RULE 302).**

A utility may deny or terminate service to a customer or applicant without the customer's or applicant's permission, but only after adequate notice has been given in accordance with these rules, for one (1) or more of the following reasons: (7-1-93)

- 01. Failure to Pay.** With respect to undisputed past due bills the customer or applicant: (3-20-04)
  - a. Failed to pay; (3-20-04)
  - b. Paid with a dishonored check; or (3-20-04)
  - c. Made an electronic payment drawn on an account with insufficient funds. (3-20-04)
- 02. Failure to Make Security Deposit.** The customer or applicant failed to make a security deposit or make an installment payment on a deposit where it is required. (3-30-01)
- 03. Failure to Abide by Terms of Payment Arrangement.** The customer or applicant failed to abide by the terms of a payment arrangement. (3-30-01)
- 04. Identity Misrepresentation.** The customer or applicant misrepresented the customer's or applicant's identity for the purpose of obtaining utility service. (7-1-93)
- 05. Denial of Access to Meter.** The customer or applicant denied or willfully prevented the utility's access to the meter. (7-1-93)
- 06. Willful Waste of Service.** The utility determines as prescribed by relevant State or other applicable standards that the customer is willfully wasting service through improper equipment or otherwise. (7-1-93)
- 07. Service to Minors.** The applicant or customer is a minor not competent to contract as described in Sections 29-101 and 32-101, Idaho Code. (3-20-04)
- 08. Previous Account Balance Owning.** Nothing in this rule requires the utility to connect service for a customer or applicant who owes money on an existing account or from a previous account if the unpaid bill is for service provided within the past four (4) years. (4-2-08)

**303. GROUNDS FOR DENIAL OR TERMINATION OF SERVICE WITHOUT PRIOR NOTICE (RULE 303).**

A utility may deny or terminate service without prior notice to the customer or applicant and without the customer's or applicant's permission for one (1) or more of the following reasons: (7-1-93)

**01. Dangerous Conditions.** A condition immediately dangerous or hazardous to life, physical safety, or property exists, or if necessary to prevent a violation of federal, state or local safety or health codes. (7-1-93)

**02. Order to Terminate Service.** The utility is ordered to terminate service by any court, the Commission, or any other duly authorized public authority. (7-1-93)

**03. Illegal Use of Service.** The service is obtained, diverted or used without the authorization or knowledge of the utility. (7-1-93)

**04. Unable to Contact Customer.** The utility has tried diligently to meet the notice requirements of Rule 304, but has been unsuccessful in its attempts to contact the customer affected. (7-1-93)

**304. REQUIREMENTS FOR NOTICE TO CUSTOMERS BEFORE TERMINATION OF SERVICE (RULE 304).**

**01. Initial Notice.** If the utility intends to terminate service to a customer under Rule 302, the utility shall send to the customer written notice of termination mailed at least seven (7) calendar days before the proposed date of termination. This written notice shall contain the information required by Rule 305. (3-20-04)

**02. Final Notice.** The utility may mail a final written notice to the customer at least three (3) calendar days, excluding weekends and holidays, before the proposed date of termination. Regardless of whether the utility elects to mail a written notice, at least twenty-four (24) hours before the proposed date of termination, the utility shall diligently attempt to contact the customer affected, either in person or by telephone, to advise the customer of the proposed action and steps to take to avoid or delay termination. This final notice shall contain the same information required by Rule 305. (3-20-04)

**03. Additional Notice.** If service is not terminated within twenty-one (21) calendar days after the proposed termination date as specified in a written notice the utility shall again provide notice under Subsections 304.01 and 304.02 if it still intends to terminate service. (3-20-04)

**04. Failure to Pay.** No additional notice of termination is required if, upon receipt of a termination notice, the customer: (3-20-04)

**a.** Makes a payment arrangement and subsequently fails to keep that arrangement; (3-20-04)

**b.** Tenders payment with a dishonored check; or (3-20-04)

**c.** Makes an electronic payment drawn on an account with insufficient funds. (3-20-04)

**305. CONTENTS OF NOTICE OF INTENT TO TERMINATE SERVICE (RULE 305).**

**01. Contents of Notice.** The written or oral notice of intent to terminate service required by Rule 304 shall state: (4-11-06)

**a.** The reason(s), citing these rules, why service will be terminated and the proposed date of termination; (4-11-06)

**b.** Actions the customer may take to avoid termination of service; (4-11-06)

**c.** That a certificate notifying the utility of a serious illness or medical emergency in the household may delay termination as prescribed by Rule 308; (4-11-06)

**d.** That an informal or formal complaint concerning termination may be filed with the utility or the Commission, and that service will not be terminated on the ground relating to the dispute between the customer and the utility before resolution of the complaint (the Commission's address and telephone number must be given to the customer); and (4-11-06)

**e.** That the utility is willing to make payment arrangements (this statement must be in bold print on written notices). (4-11-06)

**f.** That for purposes of termination, partial payments will be applied toward utility service charges first, unless the customer requests otherwise, and that charges for non-utility services cannot be used as a basis for termination. (4-11-06)

**02. Additional Requirements for Gas and Electric Utilities.** During the months of November, December, January and February, oral and written notices provided by gas and electric utilities to residential customers shall include or be accompanied by an explanation of restrictions on termination of service and the availability of the Winter Payment Plan described in Rule 306. (4-11-06)

**306. TERMINATION OF RESIDENTIAL GAS AND ELECTRIC SERVICE -- WINTER PAYMENT PLAN (RULE 306).**

**01. Restrictions on Termination of Service to Households with Children, Elderly, or Infirm.** Except as provided in Rule 303, no gas or electric utility may terminate service or threaten to terminate service during the months of December through February to any residential customer who declares that he or she is unable to pay in full for utility service and whose household includes children, elderly or infirm persons. (7-1-93)

**02. Definitions for This Rule.** For purposes of this rule: (7-1-93)

**a.** "Children" means persons eighteen (18) years of age or younger, but customers who are emancipated minors are not children under this rule. (4-11-06)

**b.** "Elderly" means persons sixty two (62) years of age or older. (4-11-06)

**c.** "Infirm" means persons whose physical health or safety would be seriously impaired by termination of utility service. (4-11-06)

**03. Opportunity to Participate in Winter Payment Plan.** Any residential customer who declares that he or she is unable to pay in full for utility service and whose household includes children, elderly or infirm persons shall be offered the opportunity to establish a Winter Payment Plan. However, no customer may be required to establish such a plan. Except as provided in Rule 303, no gas or electric utility may terminate service during the months of November through March to any customer who establishes a Winter Payment Plan before November 1. A customer may establish a Winter Payment Plan after November 1, but the extended protection from termination of service offered under such a plan will not begin until the date the plan is established. Failure of a participating customer to make payments as required will result in cancellation of the plan and elimination of the extended protection from termination of service offered under the plan. The customer may use any source of funds to satisfy the payment requirements of Winter Payment Plan. (4-11-06)

**04. Amount of Payments Under Winter Payment Plan.** Monthly payments under a Winter Payment Plan are equal to one-half (1/2) of the Level Pay Plan amount for that customer. The Level Payment Plan amount shall be calculated according to Rule 313.06. (4-11-06)

**05. Payment Arrangements Following Winter Payment Plan.** If a customer who received the protection of this rule has an outstanding balance owed to the utility, the customer shall either pay this balance or negotiate a new payment arrangement: (4-11-06)

**a.** On or after March 1, if the customer has not established a Winter Payment Plan; or (7-1-93)

**b.** On or after April 1, if the customer has established a Winter Payment plan. Failure of a customer to pay or make payment arrangements on or after these dates may result in termination of service. (7-1-93)

**06. Successive Participation in Winter Payment Plan.** A residential customer who participates in a Winter Payment Plan one (1) year shall be allowed to participate in the succeeding year if the customer has honored the payment arrangements and the balance owing as of November 1 does not exceed seventy-five dollars (\$75) or the customer's utility bill for the previous thirty (30) days, whichever is greater. (4-11-06)

**07. Unoccupied Residences -- Failure or Refusal to Apply for Service.** Nothing in this rule prevents a gas or electric utility from terminating service to unoccupied residences or residences where the occupants have failed or refused to apply for utility service. (4-11-06)

**08. Customers Who Move.** During the months of December, January and February, a gas or electric utility shall continue to provide service to any residential customer who made a declaration as provided for in Subsection 306.01 and subsequently moves to a new residence served by the same utility, regardless of any outstanding balance owed by the customer. If service is not connected at the new residence, service shall be connected as soon as possible after the customer requests service at the new residence. (4-11-06)

**09. Applicants Previously Served.** During the months of December, January and February, a gas or electric utility shall provide service to any residential applicant who made a declaration as provided for in Subsection 306.01 and within thirty (30) days of discontinuing service, subsequently applies for service at a new residence served by the same utility, regardless of any outstanding balance owed by the applicant. If service is not connected at the new residence, service shall be connected as soon as possible after the applicant requests service at the new residence. (4-11-06)

**307. THIRD-PARTY NOTIFICATION -- RESIDENTIAL SERVICE (RULE 307).**

Each gas or electric utility shall provide a program for its residential customers known as Third-Party Notification. Under this program, the utility will, at the request of the customer, notify orally or in writing a third-party designated by the customer of the utility's intention to terminate service. The third-party will be under no obligation to pay the bill, but as provided in Rule 313.08, no customer can be considered to have refused to enter a payment arrangement unless either the customer or the designated third-party has been given notice of the proposed termination of service and of the customer's opportunity to make payment arrangements. (7-1-93)

**308. SERIOUS ILLNESS OR MEDICAL EMERGENCY (RULE 308).**

**01. Medical Certificate -- Postponement of Termination of Service.** A utility shall postpone termination of utility service to a residential customer for thirty (30) calendar days from the date of receipt of a written certificate signed by a licensed physician or public health official with medical training. The certificate must contain the following information: (3-20-04)

**a.** A statement that the customer, a member of the customer's family, or other permanent resident of the premises where service is rendered is seriously ill or has a medical emergency or will become seriously ill or have a medical emergency because of termination of service, and that termination of utility service would adversely affect the health of that customer, member of the customer's family, or resident of the household. (3-20-04)

**b.** The name of the person whose serious illness or medical emergency would be adversely affected by termination and the relationship to the customer, and (3-20-04)

**c.** The name, title, and signature of the person certifying the serious illness or medical emergency. (3-20-04)

**02. Restoration of Service.** If service has already been terminated when the medical certificate is received, service shall be restored as soon as possible, but no later than twenty-four (24) hours after receipt. The customer shall receive service for thirty (30) calendar days from the utility's receipt of the certificate. (3-20-04)

**03. Second Postponement.** The utility may postpone termination of service upon receipt of a second certificate stating that the serious illness or medical emergency still exists. (7-1-93)

**04. Verification of Medical Certificate.** The utility may verify the authenticity of the certificate and may refuse to delay termination of service if it is determined that the certificate is a forgery or is otherwise fraudulent. (7-1-93)

**05. Obligation to Pay.** Nothing in this rule relieves the customer of the obligation to pay any undisputed bill. (3-20-04)

**309. MEDICAL FACILITIES -- SHELTER CARE (RULE 309).**

Where service is provided to a customer known to the utility to be or identifying itself as a medical care facility, including a hospital, medical clinic with resident patients, nursing home, intermediate care facility or shelter care facility, notice of pending termination shall be provided to the Commission and to the State Department of Health and Welfare as well as to the customer. Upon request from the Commission, a delay in termination of no less than seven (7) calendar days from the date of notice shall be allowed so that action may be taken to protect the interests of the facility's residents. (7-1-93)

**310. INSUFFICIENT GROUNDS FOR TERMINATION OR DENIAL OF SERVICE (RULE 310).**

**01. Termination of Service.** No customer shall be given notice of termination of service nor shall the customer's service be terminated if: (4-2-08)

**a.** The customer's unpaid bill totals less than fifty dollars (\$50) or two (2) months' charges for service, whichever is less. (4-2-08)

**b.** The unpaid bill is for utility service to any other customer (unless that customer has a legal obligation to pay the other customer's bill) or for any other class of service. (4-2-08)

**c.** The unpaid bill results from the purchase of non-utility goods or services. (4-2-08)

**d.** The unpaid bill is for service provided four (4) or more years ago unless the customer has promised in writing to pay or made a payment on the bill within the last four (4) years. (4-2-08)

**e.** The customer fails to pay amounts in dispute while a complaint filed pursuant to Rule 402 is pending before this Commission. (4-2-08)

**f.** A case placing at issue payment of disputed amounts for utility service is pending before a court in the state of Idaho unless authorized by court order. (4-2-08)

**02. Denial of Service.** No applicant shall be given notice of denial nor shall the applicant be denied service if any of the criteria listed in Subsection 310.01.b. through 310.01.f. apply to the unpaid bill cited as grounds for denial of service. (4-2-08)

**311. TIMES WHEN SERVICE MAY BE TERMINATED -- OPPORTUNITY TO AVOID TERMINATION OF SERVICE (RULE 311).**

**01. When Termination of Service Is Prohibited.** Except as authorized by Rule 303 or this rule, service provided to a customer, applicant, resident or occupant shall not be terminated: (4-2-08)

**a.** On any Friday, Saturday, Sunday, legal holidays recognized by the state of Idaho, or on any day immediately preceding any legal holiday; or (4-2-08)

**b.** At any time when the utility is not open for business. (4-2-08)

**02. Times When Service May Be Terminated.** Service may be terminated: (4-2-08)

**a.** At any time when there is a dangerous condition pursuant to Rule 303.01 or the utility is ordered to do so pursuant to Rule 303.02; (4-2-08)

b. Between the hours of 8 a.m. and 5 p.m., Monday through Thursday, for any reason authorized by Rules 302 and 303; (4-2-08)

c. Between the hours of 8 a.m. and 5 p.m. on Friday for illegal use of service pursuant to Rule 303.03 or if the premises are unoccupied and service has been abandoned; or (4-2-08)

d. Between the hours of 5 p.m. and 9 p.m., Monday through Thursday, if the utility is unable to gain access to the meter during normal business hours or for illegal use of service pursuant to Rule 303.03. (4-2-08)

**03. Personnel to Authorize Reconnection.** Each utility shall have personnel available who are authorized to reconnect service if the conditions cited as grounds for termination are corrected to the utility's satisfaction. Service shall be reconnected as soon as possible, but no later than twenty-four (24) hours after the utility's conditions are satisfied and reconnection is requested. (4-2-08)

**04. Opportunity to Prevent Termination of Service.** Immediately preceding termination of service, the employee designated to terminate service shall identify himself or herself to the customer or other responsible adult upon the premises and shall announce the purpose of the employee's presence. This employee shall have in his or her possession the past due account record of the customer and shall request any available verification that the outstanding bills are satisfied or currently in dispute before this Commission. Upon presentation of evidence that outstanding bills are satisfied or currently in dispute before this Commission, service shall not be terminated. The employee shall be authorized to accept full payment, or, at the discretion of the utility, partial payment, and in such case shall not terminate service. Nothing in this rule prevents a utility from proceeding with termination of service if the customer or other responsible adult is not on the premises. (4-2-08)

**05. Notice of Procedure for Reconnecting Service.** The utility employee designated to terminate service shall give to the customer or leave in a conspicuous location at the affected service address, a notice showing the time of and grounds for termination, steps to be taken to secure reconnection, and the telephone numbers of utility personnel or other authorized representatives who are available to authorize reconnection. (4-2-08)

**06. Applicant Without Service - Customer Requested Termination.** Nothing in this rule prohibits a utility from terminating service at any time pursuant to a customer's request. (4-2-08)

**312. DENIAL OR TERMINATION OF SERVICE TO MASTER-METERED ACCOUNTS AND RESIDENTS OR OCCUPANTS WHO ARE NOT CUSTOMERS (RULE 312).**

**01. Notice to Occupants or Residents Not Customers.** Except as provided in Rules 303.01 and 303.02, no utility shall deny or terminate service without providing written notice to the residents or occupants of: (3-20-04)

a. A building or mobile home court where service is master-metered; (3-20-04)

b. A residence where the customer billed for service is not a resident or occupant of the premises being served; or (3-20-04)

c. Premises where service is being provided on an interim basis to a resident or occupant following a customer's request to terminate service. (3-20-04)

**02. Delivery and Contents of Notice.** The utility must notify the residents or occupants of its intent to deny or terminate service at least two (2) calendar days, excluding weekends and holidays, before the proposed date of termination. The notice should be delivered to the premises or, in the case of multi-occupant buildings or mobile home parks, posted in common areas or a conspicuous location. The notice shall state: (3-20-04)

a. The date of the notice; (7-1-93)

b. The proposed denial or termination date; (3-20-04)

- c. The reason for denial or termination; (3-20-04)
- d. What action(s) the resident(s) or occupant(s) must take in order to obtain or retain service in the resident's(s') or occupant's(s') own name(s); and (3-20-04)
- e. That an informal or formal complaint concerning denial or termination of service may be filed with this Commission. (3-20-04)

**313. PAYMENT ARRANGEMENTS (RULE 313).**

**01. Arrangements Allowed.** When a customer cannot pay a bill in full, the utility shall continue to serve the customer if the customer and the utility agree on a reasonable portion of the outstanding bill to be paid immediately, and the manner in which the balance of the outstanding bill shall be paid. For customers who are unable to come to the utility's local office to make payment arrangements, a gas or electric utility must, upon request by the customer, make payment arrangements over the telephone, by mail or at the customer's home. (7-1-93)

**02. Reasonableness.** In deciding on the reasonableness of a particular agreement, the utility will take into account the customer's ability to pay, the size of the unpaid balance, the customer's payment history, and the amount of time and reasons why the debt is outstanding. (7-1-93)

**03. Application of Payment.** Unless the customer designates otherwise, payments are to be first applied to the undisputed balance owed by the customer for utility services and associated installation charges, taxes, franchise fees and surcharges. (3-30-01)

**04. Second Arrangement.** If a customer fails to make the payment agreed upon by the date that it is due, the utility may, but is not obligated to, enter into a second such agreement. (7-1-93)

**05. When Arrangement Not Binding.** No payment arrangement shall be binding upon a customer if it requires the customer to forego any right provided for in these rules. (7-1-93)

**06. Level Pay Plans Acceptable Payment Arrangement.** Payment arrangements may be in the form of a Level Pay Plan that will equalize monthly payments of all arrears, if any, and anticipated future bill amounts over a period of not less than one (1) year. No customer agreeing to a reasonable payment arrangement is required to choose this plan. (7-1-93)

**07. Third-Party Contact.** If a utility has been unable to contact a customer concerning termination, but has contacted the customer's third-party designated under Rule 307 and has failed to receive a response from the customer within seven (7) days after the third-party was contacted, the utility may treat the customer as one who has been contacted and has declined to enter into a reasonable payment arrangement. (7-1-93)

**314. -- 400. (RESERVED)**

**COMPLAINT PROCEDURE**

**RULES 401 THROUGH 499**

**401. COMPLAINT TO UTILITY (RULE 401).**

**01. Subject Matter.** A customer or applicant for service may complain at any time to the utility about any deposit or written guarantee required as a condition of service, billing, termination of service, quality or availability of service, or any other matter regarding utility services, policies and practices. The customer or applicant may request a conference with the utility, but this provision does not affect any statute of limitation that might otherwise apply. Complaints to the utility may be made orally or in writing. A complaint is considered filed upon receipt by the utility. In making a complaint or request for conference, the customer or applicant shall state the customer's or applicant's name, service address, and the general nature of the complaint. (7-1-93)

**02. Conference.** Upon receiving each complaint or request for conference, the utility shall promptly,

thoroughly and completely investigate the complaint, confer with the customer or applicant when requested, and notify the customer or applicant of the results of the investigation and make a good-faith attempt to resolve the complaint. The oral or written notification shall advise the customer or applicant that the customer or applicant may request the Commission to review the utility's proposed disposition of the complaint. (7-1-93)

**03. Service Maintained.** The utility shall not terminate service based upon the subject matter of the complaint while investigating the complaint or making a good-faith attempt to resolve the complaint. (7-1-93)

**402. REVIEW BY COMMISSION (RULE 402).**

**01. Informal Review.** If a customer or applicant who has complained to a utility is dissatisfied with a utility's proposed disposition of the complaint, the customer or applicant may request the Commission to informally review the disputed issue and the utility's proposed disposition of the complaint. (7-1-93)

**02. Procedure on Review.** The Commission will process these requests as informal complaints pursuant the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. Utility service shall not be terminated nor termination be threatened by notice or otherwise in connection with the subject matter of the complaint while the complaint is pending before the Commission so long as the customer continues to pay all amounts not in dispute, including current utility bills. Upon request by any party, the parties and a representative of the Commission shall be required to meet and confer. (7-1-93)

**03. Customer's Rights Protected.** No customer or applicant shall be denied the opportunity to file a complaint with the Commission. (7-1-93)

**04. Formal Complaints.** Formal complaints may be filed according to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

**403. RECORD OF COMPLAINTS (RULE 403).**

**01. Recordkeeping.** Each utility must keep a written record of complaints and requests for conferences pursuant to Rules 401 and 402. These records must be retained for a minimum of one (1) year at the office of the utility where the complaints were received or conferences held. These written records are to be readily available upon request by the concerned customer, the customer's agent possessing written authorization, or the Commission. The records must show whether the customer or applicant was advised as required by Rule 401.02 that the customer or applicant may request the Commission to review the utility's proposed disposition of the complaint. (4-2-08)

**02. Reporting.** Each utility must, at the Commission's request, submit a report to the Commission that states and classifies the number of complaints made to the utility pursuant to Rules 401 and 402, the general nature of their subject matter, how received (in person, by letter, etc.), and whether a Commission review was conducted. (7-1-93)

**404. RESPONSES TO INFORMAL COMPLAINTS (RULE 404).**

Within ten (10) business days of receiving notification from the Commission that an informal complaint involving the company has been filed with the Commission, utilities must either respond orally or in writing to the Commission. A utility will be granted an extension of time to prepare its response if it represents that it is making a good faith effort to resolve the matter in dispute. A full and complete response should be submitted to the Commission no later than thirty (30) days after receipt of notification from the Commission. (3-30-01)

**405. -- 499. (RESERVED)**

**CUSTOMERS IN MULTI-OCCUPANT BUILDINGS --  
RIGHT TO BILLING BASED UPON CUSTOMER'S OWN USE  
RULES 500 THROUGH 599**

**500. -- 599. (RESERVED)**

**RULES FOR DEPOSIT, DENIAL, AND TERMINATION OF SERVICE  
FOR INDUSTRIAL, LARGE COMMERCIAL, AND IRRIGATION CUSTOMERS**

**RULES 600 THROUGH 700**

**600. DEFINITIONS (RULE 600).**

As used in Rules 601 through 605.

(7-1-93)

**01. Advance Payment.** "Advance payment" means a payment made prior to receiving service that will be credited to the customer's account at a later date. (7-1-93)

**02. Applicant.** "Applicant" means an applicant for industrial, large commercial or irrigation service. (7-1-93)

**03. Customer.** "Customer" means an industrial, large commercial or irrigation customer, unless further restricted by the rule. The Commission will maintain on file a list of which customer classes of a given utility are industrial, large commercial, and irrigation. (7-1-93)

**04. Deposit.** "Deposit" means any payment held as security for future payment or performance that is reimbursable. (7-1-93)

**05. Written Notice.** "Written notice" of the utility's intent to deny or terminate service may be mailed or otherwise delivered to the applicant, occupant or customer. Written notice may be provided by electronic mail (i.e., e-mail) if the customer is billed electronically and separately consents in writing to "opt-in" to receiving electronic notification. (4-2-08)

**601. DEPOSIT REQUIREMENTS AND ADVANCE PAYMENTS (RULE 601).**

An applicant or customer may be required to pay a deposit or make an advance payment in accordance with the utility's tariff filed with the Commission. If an applicant or customer has sought any form of relief under the Federal Bankruptcy Laws, has been brought within the jurisdiction of the bankruptcy court for any reason in an involuntary manner, or has had a receiver appointed in a state court proceeding, then a deposit may be demanded as allowed by the Federal Bankruptcy Act of 1978, as amended, and, in particular, 11 U.S.C. 366, or as directed by the state court. (7-1-93)

**602. GROUNDS FOR DENIAL OR TERMINATION OF SERVICE WITH PRIOR NOTICE (RULE 602).**

A utility may deny or terminate service to an industrial, large commercial or irrigation customer without its permission, but only after adequate notice has been given in accordance with these rules, for one (1) or more of the following reasons: (7-1-93)

**01. Failure to Pay Undisputed Bill.** The customer or applicant did not pay undisputed delinquent bills or paid a delinquent bill with any check not honored by the bank. (7-1-93)

**02. Failure to Pay Deposit.** The customer or applicant failed to make a required advance payment, pay a deposit or provide an acceptable guarantee, when required by the applicable tariff or contract. (7-1-93)

**03. The Customer or Applicant Failed to Comply with a Payment Arrangement.** (7-1-93)

**04. Identify Misrepresentation.** The customer or applicant misrepresented the customer's or applicant's identity for the purpose of obtaining utility service. (7-1-93)

**05. Denial of Access to Meter.** The customer or applicant denied or willfully prevented the utility's access to the meter. (7-1-93)

**06. Willful Waste of Service.** The utility determines as prescribed by relevant State or other applicable standards that the customer is willfully wasting service through improper equipment or otherwise. (7-1-93)

**07. Failure to Apply for Service.** The customer or applicant failed to apply for service with the utility. (7-1-93)

**603. REQUIREMENTS FOR AND CONTENTS OF NOTICE BEFORE TERMINATION OF SERVICE (RULE 603).**

**01. Initial Notice.** If the utility intends to terminate service under Rule 601, the utility shall send to the customer written notice of termination mailed at least seven (7) calendar days prior to the proposed date of termination. (3-20-04)

**02. Contents of Notice.** The written notice of termination shall state: (3-20-04)

**a.** The reason(s), citing these rules, why service will be terminated, and the proposed date of termination; (3-20-04)

**b.** Actions the customer may take to avoid termination; (7-1-93)

**c.** That an informal or formal complaint concerning the termination may be filed with this Commission; and (7-1-93)

**d.** That service will not be terminated prior to the resolution of such a filed complaint (if the resolution is in favor of the utility, the Commission shall set the date of termination). (7-1-93)

**03. Final Notice.** The utility may mail a final written notice to customers at least three (3) calendar days, excluding weekends and holidays, before the proposed date of termination. Regardless of whether the utility elects to mail a written notice, at least twenty-four (24) hours prior to actual termination, the utility shall diligently attempt to contact the customer affected, either in person or by telephone, to apprise the customer of the proposed action. This final notice shall contain the same information required above for written notice. Each utility shall maintain clear, written records of oral notices, showing dates and the utility employee giving the notices. (3-20-04)

**604. GROUNDS FOR TERMINATION OF SERVICE WITHOUT PRIOR NOTICE (RULE 604).**  
A utility may terminate service without prior notice to the customer as specified in Rule 602 only: (7-1-93)

**01. Dangerous Conditions.** If a condition immediately dangerous or hazardous to life, physical safety, or property exists, or if necessary to prevent a violation of federal, state or local safety or health codes. (7-1-93)

**02. Order to Terminate.** Upon order by any court, the Commission, or any other duly authorized public authority. (7-1-93)

**03. Illegal Use of Utility.** If such service is obtained, diverted or used without the authorization or knowledge of the utility; or (7-1-93)

**04. Unable to Contact Customer.** If the utility has tried diligently to meet the notice requirements of Rule 602, but has been unsuccessful in its attempt to contact the customer. (7-1-93)

**605. NOTICE TO COMMISSION PRIOR TO TERMINATION (RULE 605).**

No industrial or large commercial customer shall have its service terminated unless the Commission is given written notice seven (7) days before the termination. The Commission may stay termination of service upon its finding that the public interest requires service to be maintained to the customer. (7-1-93)

**606. -- 700. (RESERVED)**

**SUMMARY OF CUSTOMER RULES**  
**RULES 701 THROUGH 800**

**701. SUMMARY OF RULES (RULE 701).**

**01. Summary to Be Provided to Customers.** Each utility shall provide to its customers a summary of this chapter approved by the Commission. The summary shall be provided to customers at least once each year and must be available at local offices of the utility in Idaho and provided to each new customer upon commencement of service. (4-11-06)

**02. Contents of Summary.** The summary shall include the following information: (4-11-06)

**a.** An explanation of the conditions under which the utility may request a deposit; (4-11-06)

**b.** An explanation of the conditions under which the utility may deny or terminate service; (4-11-06)

**c.** An explanation of how termination of service may be postponed due to serious illness or medical emergency (residential customers only); (4-11-06)

**d.** A statement of the utility's willingness to make payment arrangements to assist customers having difficulty paying their utility bills; (4-11-06)

**e.** An explanation of how to file a complaint with the utility and the Commission; and (4-11-06)

**f.** A statement that termination of service is prohibited while a complaint is pending with the Commission or with a court in the State of Idaho. (4-11-06)

**03. Summary for Gas and Electric Customers.** The summary provided by a gas or electric utility also shall include the following information: (4-11-06)

**a.** An explanation of restrictions on termination of service and the availability of the Winter Payment Plan described in Rule 306 (residential customers only). (4-11-06)

**b.** An explanation of the Third Party Notification Program described in Rule 307 (residential customers only); and (4-11-06)

**c.** An explanation of the availability of the Level Pay Plan described in Rule 313. (4-11-06)

**04. Model Summaries.** Model Rules Summaries, including Spanish language translations for residential customers, shall be provided by the Commission to utilities and other interested parties upon request. (4-11-06)

**702. EXPLANATION OF RATE SCHEDULE (RULE 702).**

Each gas, electric, and water utility shall transmit annually to each of its customers and give to each new customer at the time of initiation of service a clear and concise explanation of the existing rate schedule for the class of services selected by that customer. (3-29-10)

**703. -- 999. (RESERVED)**

**IDAPA 31  
TITLE 26  
CHAPTER 01**

**31.26.01 – MASTER-METERING RULES FOR ELECTRIC UTILITIES**

**000. LEGAL AUTHORITY (RULE 0).**

These rules are adopted under the general legal authority of the Public Utilities Law, chapters 1 through 7, Title 61, Idaho Code, and the specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, and 61-520, Idaho Code, with regard to service. (7-1-93)

**001. TITLE AND SCOPE (RULE 1).**

The name of this chapter is “Master-Metering Rules for Electric Utilities.” This chapter has the following scope: All electric utilities are required to abide by these rules defining when and under what circumstances their customers may master-meter tenants of the customer. (7-1-93)

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (6-30-19)T

**003. ADMINISTRATIVE APPEALS (RULE 3).**

There are no administrative appeals under these rules because they are not procedural rules. If an issue should arise calling for a proceeding to apply these rules, that proceeding would be conducted under the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

**004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).**

All correspondence with regard to these rules is a public record subject to inspection, examination and copying, unless it is an investigatory record under Section 74-105(1), Idaho Code. (7-1-93)

**005. DEFINITIONS (RULE 5).**

As used in these rules: (7-1-93)

**01. Electric Utility.** Electric utility or utility means an “electrical corporation” as defined by statute in Chapter 1, Title 61, Idaho Code, and orders of the Idaho Public Utilities Commission and decisions of the Supreme Court of Idaho construing those statutes. (7-1-93)

**02. Tenant -- Mobile Home Park.** A tenant of a mobile home park is a person defined as a tenant and not a transient by the Mobile Home Park Tenant Act, Section 55-2001 et seq., Idaho Code, and in particular by Section 55-2003(4) and 55-2003(5), Idaho Code. (7-1-93)

**03. Tenant -- Multi-Unit Residential or Commercial Building.** A tenant of a multi-unit residential building is a person who is not a transient and who intends to reside in or be a commercial tenant in one (1) of the building’s units for a period not less than one (1) month. (7-1-93)

**006. -- 100. (RESERVED)**

**MASTER-METERING RULES FOR ELECTRIC UTILITIES  
RULES 101 THROUGH 200**

**101. MASTER-METERING AND INDIVIDUAL METERING IN MOBILE HOME PARKS (RULE 101).**

**01. Parks Metered After July 1, 1980.** Tenants (excluding transients) of mobile home parks connected for service after July 1, 1980, must be individually metered by the electric utility serving the mobile home park. Master-metering of these tenants, whether or not in conjunction with sub-metering by the park operator, is prohibited. (7-1-93)

**02. Exception for Sub-Metered Parks.** Mobile home parks whose spaces for tenants (excluding transients) have been fully sub-metered for electricity by the park owners need not be individually metered by the electric utility supplying the park. Mobile home parks sub-metered by the park operator must charge each of their tenants the same rate for electric service that a residential customer of the utility serving the park would charge the tenant if the tenant were directly metered and billed by the utility. Testing of submeters shall be the park operator's expense. (7-1-93)

**03. Transition Rule for Sub-Metered Parks.** Mobile home parks that were partially sub-metered on July 1, 1980, must individually meter all spaces to be used by non-transient tenants before January 1, 1981. At the option of the park operator, the operator may extend an existing sub-metering system to those spaces not metered by the operator or may request the utility providing service to the park to meter the unmetered spaces for non-transient tenants at the utility's expense. (7-1-93)

**04. Utility Payment for Reading Sub-Meters.** The utility supplying electricity to sub-metered parks shall pay the park operator one dollar and fifteen cents (\$1.15) per month per sub-metered occupied customer space. The utility will only pay one dollar and fifteen cents (\$1.15) per month per space that is occupied during the month. (7-1-93)

**05. List of Grandfathered Mobile Home Parks.** The electric utility shall file with the Commission a list of "grandfathered" mobile home operators who are entitled to a payment for sub-metered occupied customer spaces. Each month, the owner-operator will certify to the utility the number of spaces that were occupied during the month. The utility will have the right to request from the owner-operator reasonable documentation of any customer account provided to the utility. (7-1-93)

**102. MASTER-METERING AND INDIVIDUAL METERING IN MULTI-OCCUPANT RESIDENTIAL BUILDINGS (RULE 102).**

No multi-occupant residential buildings shall be master-metered for electric service after July 1, 1980, if the dwelling units for nontransient tenants contain an electric space heating, water heating, or air-conditioning (space cooling) unit that is not centrally controlled and for which the dwelling unit's tenants individually control electric usage. (7-1-93)

**103. MASTER-METERING AND INDIVIDUAL METERING IN COMMERCIAL BUILDINGS AND SHOPPING CENTERS (RULE 103).**

No unit of commercial buildings and shopping centers shall be master-metered for electric service after July 1, 1980, if the units for their tenants contain an electric space heating, water heating, or air-conditioning (space cooling) unit that is not centrally controlled and over which the unit's tenants individually control electric usage. Tenants in otherwise master-metered buildings whose electric load or who operate appliances whose electric load exceeds the individual metering threshold found in the utility's tariffs must be individually metered. (7-1-93)

**104. TARIFFS PROHIBITING MASTER-METERING AUTHORIZED (RULE 104).**

Electric utilities may file tariffs prohibiting master-metering and requiring individual metering in instances not required by these rules. If these tariffs require conversion from master-metering to individual metering of buildings master-metered on July 1, 1980, the utility shall bear all wiring costs between the meter and its distribution lines unless it reaches a contrary agreement with the affected persons. (7-1-93)

**105. -- 999. (RESERVED)**

**IDAPA 31  
TITLE 31  
CHAPTER 01**

**31.31.01 – GAS SERVICE RULES**

**000. LEGAL AUTHORITY (RULE 0).**

These rules are adopted under the general legal authority of the Public Utilities Law, chapters 1 through 7, Title 61, Idaho Code, and the specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, 61-515, and 61-520, Idaho Code, with regard to safety and service. (7-1-93)

**001. TITLE AND SCOPE (RULE 1).**

The name of this chapter is the “Gas Service Rules.” This chapter has the following scope: All gas utilities are required to abide by these rules in their provision of gas service. (7-1-93)

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (6-30-19)T

**003. ADMINISTRATIVE APPEALS (RULE 3).**

There are no administrative appeals under these rules because they are not procedural rules. If an issue should arise calling for a proceeding to apply these rules, that proceeding would be conducted under the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

**004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).**

All correspondence with regard to these rules is a public record subject to inspection, examination, and copying. (7-1-93)

**005. DEFINITIONS (RULE 5).**

As used in these rules, gas utility or gas corporation means a “gas corporation” as defined by statute in Chapter 1, Title 61, Idaho Code, and orders of the Idaho Public Utilities Commission and decisions of the Supreme Court of Idaho construing those statutes. (7-1-93)

**006. -- 100. (RESERVED)**

**CONSTRUCTION, OPERATION, AND MAINTENANCE OF FACILITIES FOR  
TRANSMISSION AND DISTRIBUTION OF GAS - RULES 101 THROUGH 200**

**PRELIMINARIES FOR SERVICE - RULES 101 THROUGH 150**

**101. MAPS OF FACILITIES (RULE 101).**

**01. Maps, Plans, and Records.** Gas corporations must maintain maps, plans, and records as prescribed by this rule. A suitable map or maps shall be kept on file in the principal office of each division or district. The maps shall at all times show the size, character, and location of each street main, district regulator, street valve and drip, and when practicable, each service connection in the corresponding territory served. In lieu of showing date of installation and service locations on maps, a card record or other suitable means may be used. (7-1-93)

**02. Distribution Records in District Offices.** In each division or district office there shall be available information about the distribution system that will enable the local representatives at all times to furnish necessary information regarding rendering of service to existing and prospective customers. (7-1-93)

**03. Maps of Manufacturing, Mixing, Compressor, and Storage Facilities.** Each gas manufacturing or mixing plant and each compressor station and storage facility shall be provided with an accurate ground plan drawn to a suitable scale, showing the entire layout of the plant or station, the location, size, and character of plant,

equipment, major pipelines, connections, valves, and other facilities used for the production and delivery of gas, all properly identified. (7-1-93)

**04. Inspection of Facilities.** In determining whether these rules are being complied with, the Commission may inspect facilities and records as necessary, as provided in Section 61-521, Idaho Code. (7-1-93)

**102. INSPECTION OF CUSTOMER'S FACILITIES (RULE 102).**

The gas corporation shall inspect the customer's installation before the connection of a meter to ascertain that the installation conforms to the provisions contained in the National Fuel Gas Code and the Uniform Mechanical Code, as adopted by the Commission. If the installation on the customer's premises does not meet these requirements, the Company shall refuse to connect the meter and shall advise the customer in writing the reasons for such refusal. See Customer Relations Rule 301, IDAPA 31.21.01.301; see Safety and Accident Reporting Rules 201, IDAPA 31.11.01.201. (7-1-93)

**103. -- 150. (RESERVED)**

**STANDARDS FOR SERVICE - RULES 151 THROUGH 200**

**151. STANDARD FOR SERVICE (RULE 151).**

Service to the customer shall assure the customer of adequate pressure, a definite heat content, and accurate measurement of gas. (7-1-93)

**152. PERIODIC TESTS OF CUSTOMER METERS (RULE 152).**

**01. Testing of Smaller Capacity Meters.** All meters with capacities up to and including four hundred (400) cubic feet per hour (cfh) that have been in service ten (10) or more years as established by last set date shall be tested within a prescribed sample size as determined in accordance with military standard 105D. (7-1-93)

**02. Testing of Larger Capacity Meters.** All meters from four hundred one (401) to three thousand (3,000) cfh that have been in service ten (10) years as established by last set date shall be replaced or field tested. (7-1-93)

**153. METER PROVING (RULE 153).**

**01. Meter Provers.** Each gas corporation shall own at least one (1) meter prover of a type approved by the Commission and shall maintain such equipment in proper adjustment and so calibrated that the error of indication shall not exceed one-half percent. No meter prover shall be so placed as to subject it to excessive temperature variation and each meter prover shall be equipped with suitable thermometers and other necessary accessories. (7-1-93)

**02. Additional Meter Proving Stations.** Additional meter proving stations shall be installed when and where found necessary by the Commission. (7-1-93)

**03. Testing Apparatus for Large Capacity Meters.** Each gas utility using orifice meters, high pressure meters, proportional meters, or other large capacity meters shall own and maintain testing apparatus of a type approved by the Commission. (7-1-93)

**04. Accuracy of Meter Provers and Testers.** The accuracy of all provers and methods of operation may be established from time to time by a representative of the Commission. Any alterations, accidents, or repairs that might affect the accuracy of any meter prover, or the method of operating it, shall be promptly reported in writing to the Commission. (7-1-93)

**154. CUSTOMER METER ACCURACY REQUIREMENTS (RULE 154).**

**01. Accuracy of Meters.** A new gas meter installed for the use of any customer shall not be more than two percent (2%) slow and not more than one percent (1%) fast. Every meter removed from service when opened for

repairs shall be adjusted to be not more than two percent (2%) slow and not more than one percent (1%) fast before being reset; and if not opened for repairs may be reset without adjustment if found to be not more than two percent (2%) in error fast or slow, when passing as in both instances at the test rates provided for in Rule 155 (Customer Meter Test Loads). (7-1-93)

**02. Removal of Defective Meters From Service.** No meter that is mechanically defective shall be placed in service or allowed to remain in service after the defect has been discovered. When any gas meter is not connected in service, the inlet and outlet shall be capped to prevent the drying out of the diagrams. (7-1-93)

**155. CUSTOMER METER TEST LOADS (RULE 155).**

**01. Testing of Meters.** All tests to determine the accuracy of registrations of gas service meters shall be made with a suitable meter prover or testing equipment. Unless exempted by order of the Commission, at least two (2) test runs shall be made on each bellows type displacement meter, the results of which shall agree with each other within one-half of one percent (.5%). (7-1-93)

**02. Gas Flows During Testing.** The rate of flow to be used in testing meters having capacities up to and including three thousand (3,000) cubic feet per hour shall be twenty percent (20%) and one hundred percent (100%) of the rated capacity. The one hundred percent (100%) capacity or open run test shall not be taken into consideration in arriving at the accuracy of these meters. Meters having capacities of above three thousand (3,000) cubic feet per hour, except orifice meters, shall be tested both at twenty percent (20%) and one hundred percent (100%) of their capacity. For the purpose of determining the accuracy of these meters, the average of twenty percent (20%) and one hundred percent (100%) tests shall be used. (7-1-93)

**156. CUSTOMER METER TEST RECORDS (RULE 156).**

**01. Records of Meter Tests.** Each gas corporation shall keep records of tests of the accuracy of each of its meters, until superseded by a later test, but not less than two (2) years. These records shall give: (7-1-93)

- a. Sufficient information to identify the meter; (7-1-93)
- b. The reason for the test; (7-1-93)
- c. The date of the test and reading of the meter; (7-1-93)
- d. The name of the person making the test; and (7-1-93)
- e. The accuracy as found and as left, together with enough of the data taken at the time of the test to permit the convenient checking of the methods employed and the calculations. (7-1-93)

**02. Results of Meter Tests.** Each gas utility shall annually make tabulations of the results of all meter accuracy tests required by these rules. (7-1-93)

**157. -- 999. (RESERVED)**

**IDAPA 31  
TITLE 36  
CHAPTER 01**

**31.36.01 – POLICIES AND PRESUMPTIONS FOR SMALL WATER COMPANIES**

**000. LEGAL AUTHORITY (RULE 0).**

These rules are adopted under the general legal authority of the Public Utilities Law, chapters 1 through 7, Title 61, Idaho Code, and the specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-501, 61-502, 61-503, 61-507, 61-508, 61-515, 61-520, and 61-523, Idaho Code, with regard to valuation and service. (7-1-93)

**001. TITLE AND SCOPE (RULE 1).**

The name of this chapter is “Policies and Presumptions for Small Water Companies.” This chapter has the following scope: All small water companies created or certified after the effective date of these rules (November 1, 1987) are subject to the policies and presumptions of these rules. (7-1-93)

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (6-30-19)T

**003. ADMINISTRATIVE APPEALS (RULE 3).**

There are no administrative appeals under these rules because they are not procedural rules. If an issue should arise calling for a proceeding to apply these rules, that proceeding would be conducted under the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

**004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).**

All correspondence with regard to these rules is a public record subject to inspection, examination and copying. (7-1-93)

**005. DEFINITIONS (RULE 5).**

As used in these rules, water utility, water company, or water corporation means a “water corporation” as defined by statute in Chapter 1, Title 61, Idaho Code, and orders of the Idaho Public Utilities Commission and decisions of the Supreme Court of Idaho construing those statutes. (7-1-93)

**006. -- 100. (RESERVED)**

**101. SMALL WATER COMPANIES DEFINED (RULE 101).**

Small water companies are water corporations as defined by the Public Utilities Law that: (7-1-93)

**01. Gross Revenue.** Have or anticipate not more than fifty thousand dollars (\$50,000) annual gross revenues from water operations, or (7-1-93)

**02. Customer Base.** Provide service to fewer than three hundred (300) customers or propose initially to provide service to fewer than three hundred (300) customers. (7-1-93)

**102. CONSIDERATION OF ALTERNATIVE SERVICE (RULE 102).**

The Commission may deny certificates for proposed new small water companies when it is shown that there is no need for the service or that another company (whether municipal, cooperative, or investor-owned) is willing and able to provide similar or better service. The Commission may deny certificates for proposed new small water companies whose creation or expansion is in violation of ordinance or resolution of cities, counties, or other local units of government or subdivisions of the state. (7-1-93)

**103. PRESUMPTION OF CONTRIBUTED CAPITAL (RULE 103).**

In issuing certificates for a small water company or in setting rates for a small water company, it will be presumed that the capital investment in plant associated with the system is contributed capital, i.e., that this capital investment will be excluded from rate base. (7-1-93)

**104. -- 999. (RESERVED)**

**IDAPA 31  
TITLE 41  
CHAPTER 01**

**31.41.01 – CUSTOMER RELATIONS RULES FOR TELEPHONE CORPORATIONS  
PROVIDING SERVICES IN IDAHO SUBJECT TO CUSTOMER SERVICE REGULATION  
BY THE IDAHO PUBLIC UTILITIES COMMISSION**

**(THE TELEPHONE CUSTOMER RELATIONS RULES)**

**000. LEGAL AUTHORITY (RULE 0).**

These rules are adopted under the general legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and the Telecommunications Act of 1988, Chapter 6, Title 62, Idaho Code, and the specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, 61-520, 62-605, 62-606, 62-612, 62-616, and 62-622, Idaho Code, with regard to service. (3-29-10)

**001. TITLE AND SCOPE (RULE 1).**

The name of this chapter is the “Customer Relations Rules for Telephone Corporations Providing Services in Idaho Subject to Customer Service Regulation by the Idaho Public Utilities Commission,” (The Telephone Customer Relations Rules). For companies subject to Commission regulation under Title 62, Idaho Code, these rules apply to companies providing local exchange service as defined in Section 62-603, Idaho Code. This chapter has the following scope: These rules provide a set of fair, just, reasonable, and non-discriminatory rules to address recurring areas of disagreement between local exchange companies and other telephone companies and customers with regard to deposits, guarantees, billing, application for service, denial of service, termination of service, complaints to telephone companies, billing for interrupted service, and provision of certain information about customers to authorities. (3-29-10)

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (6-30-19)T

**003. ADMINISTRATIVE APPEALS (RULE 3).**

This rule governs consideration of formal complaints and requests for exemption under these rules. Any telephone company or customer requesting and receiving an informal staff determination with regard to a complaint may formally request the Commission to review the Staff’s determination. If unusual or unreasonable hardships result from the application of any of these rules, any telephone company or customer may apply to the Commission for, or the Commission on its own motion may order, a permanent or temporary exemption. A formal complaint or request for exemption must be filed with the Commission pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. (3-29-10)

**004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).**

All requests for waivers of these rules are public records subject to inspection, examination and copying under the Public Records Act. All informal complaints concerning telephone companies’ compliance with the requirements of the Public Utilities Law or the Telecommunications Act of 1988 and this Commission’s rules and orders are investigatory records exempt from disclosure under the Public Records Act. All formal complaints concerning telephone companies’ compliance with these rules are public records subject to inspection, examination and copying under the Public Records Act. (7-1-93)

**005. DEFINITIONS (RULE 5).**

The following definitions are used in this title and chapter: (7-1-93)

**01. Customer.** A “customer” is a person or entity who has requested service or currently receives service from a telephone company or has assumed responsibility for payment of service provided to another person or entity. Any person whose service has been temporarily disconnected for non-payment shall continue to be a “customer” for the purposes of these rules until such time as service is permanently disconnected. (3-29-10)

**02. Local Exchange Company (LEC).** “Local exchange company” (LEC) is a telephone company providing local exchange service to end-users. (3-29-10)

**03. Message Telecommunications Service (MTS).** “MTS” (commonly known as “long-distance service”) means the transmission of two-way interactive switched voice communication between local exchange areas. (3-29-10)

**04. Other Services.** “Other services” mean all services except local exchange and MTS services provided, billed, or collected by a telephone company. (1-1-95)

**05. Residential Service.** “Residential service” means telecommunication service furnished and maintained at a dwelling primarily for personal or domestic purposes and not for business, professional or institutional purposes, i.e., service provided to residential customers as defined in Section 62-603(9), Idaho Code. (3-29-10)

**06. Small Business Service.** “Small business service” means telecommunication service furnished to a business or institutional entity, whether an individual, partnership, corporation, association or other business or institutional form, for occupational, professional, or institutional purposes, to customers who do not subscribe to more than five (5) local access lines which are billed to a single billing location, i.e., service provided to small business customers as defined in Section 62-603(11), Idaho Code. (3-29-10)

**07. Telephone Company.** Unless further restricted by definition within a rule or a group of rules, “telephone company” means any entity subject to this Commission’s regulation as a provider of telecommunication services to end-users under the Public Utilities Law (Idaho Code, Title 61, Chapters 1-7) or subject to this Commission’s authority under the Telecommunications Act of 1988, as amended, (Idaho Code, Title 62, Chapter 6) or the federal Telecommunications Act of 1996 (47 U.S.C. 151 et seq). (3-29-10)

**006. -- 007. (RESERVED)**

**008. EXERCISE OF RIGHTS BY CUSTOMER (RULE 8).**

No telephone company shall discriminate against or penalize a customer for exercising any right granted by these rules. (7-1-93)

**009. INFORMAL COMPLAINTS AND INTERPRETATION OF RULES (RULE 9).**

The Commission may authorize designated staff members to make and give informal interpretations of these rules and tariffs or other filings of telephone companies on record with the Commission, and to investigate complaints made to the Commission. The Commission reserves to itself the authority to issue formal declaratory orders concerning the interpretation of these rules, telephone company tariffs or similar filings, and to resolve formal complaints. (3-29-10)

**010. CONFLICT WITH TELEPHONE TARIFFS OR PRICE LISTS (RULE 10).**

If a telephone company’s tariff or price list on file with the Commission contains provisions that deny or restrict customers’ rights protected by any of these rules, these rules supersede any conflicting tariff or price list provisions that deny or restrict any of those rights. (7-1-93)

**011. INCORPORATION BY REFERENCE -- CODE OF FEDERAL REGULATIONS (RULE 11).**

Rules 701 through 703 incorporate by reference federal regulations issued by the Federal Communications Commission. The incorporated regulations are found in the Code of Federal Regulations available from the U.S. Government Printing Office. Incorporated materials are also available for inspection and copying at the offices of the Public Utilities Commission. (3-29-10)

**012. -- 099. (RESERVED)**

**RESIDENTIAL AND SMALL BUSINESS DEPOSIT**  
**Rules 100 Through 199**

**100. DEPOSIT REQUIREMENTS -- LECS (RULE 100).**

**01. Residential Customers.** No company providing local exchange service shall demand or hold any deposit from any residential customer for service without proof that the customer is likely to be a credit risk or to damage the property of the local exchange company or other companies for which it bills. A history of late payment or lack of previous history with the local exchange company does not, in itself, constitute such proof. A local exchange company shall not demand or hold a deposit under this rule as a condition of service from a residential customer unless one (1) or more of the following criteria applies: (3-29-10)

**a.** The customer has outstanding a prior residential service account and at the time of application for service remains unpaid and not in dispute. (3-29-10)

**b.** The customer's service has been temporarily denied or terminated within the past four (4) years for one (1) or more of the following reasons: (3-29-10)

**i.** Non-payment of any undisputed delinquent bill; (7-1-93)

**ii.** Obtaining, diverting or using telephone service without the authorization or knowledge of the telephone company. (7-1-93)

**c.** The customer does not have verifiable previous telephone service that was in existence for a period exceeding twelve (12) months and does not pass an objective credit screen. (3-29-10)

**d.** The telephone company has determined that information provided by the customer is materially false or materially misrepresents the customer's true status. (3-29-10)

**e.** The customer requests service at a residence where a prior subscriber still resides and where any balance for service to that prior subscriber incurred at that location is past due or owing. (3-29-10)

**02. Small Business Customers.** No local exchange company providing local exchange service shall demand or hold any deposit as a condition of service from any current small business customer for small business service unless one (1) or more of the following criteria apply: (3-29-10)

**a.** Any of the conditions listed in Rule 100.01 of this rule are present. (3-29-10)

**b.** The customer has not had previous service with that telephone company. (3-29-10)

**c.** The customer was delinquent in payment two (2) or more times in the previous twelve (12) months. (7-1-93)

**03. Bankrupt Customers.** If a customer, either residential or a small business, has sought any form of relief under the Federal Bankruptcy Laws, has been brought within the jurisdiction of the bankruptcy court for any reason in an involuntary manner, or has had a receiver appointed in a state court proceeding, then a deposit may be demanded as allowed by the Federal Bankruptcy Laws. (3-29-10)

**101. OTHER DEPOSIT STANDARDS PROHIBITED (RULE 101).**

A local exchange company shall not require a deposit or other guarantee as a condition of new or continued residential telephone service based upon residential ownership or location, income level, source of income, employment tenure, nature of occupation, race, creed, sex, age, national origin, marital status, number of dependents, or any other criterion not authorized by these rules. Rules governing deposits shall be applied uniformly. If the customer, either residential or small business, selects another company to provide services and arranges to be billed directly by that company rather than through the local exchange company, no deposit may be collected by the local exchange company for the services provided by the other company. (3-29-10)

**102. EXPLANATION FOR DENIAL OF SERVICE OR REQUIREMENT OF DEPOSIT -- LECS (RULE 102).**

If the local exchange company requires a deposit as a condition of providing service, then it shall immediately provide an explanation to the customer stating the precise reasons why a deposit is required. The customer shall be given an opportunity to rebut these reasons. In the event of a dispute, the customer must be advised that an informal

or formal complaint may be filed with the Commission. (3-29-10)

**103. AMOUNT OF DEPOSIT -- LECS (RULE 103).**

A deposit allowed pursuant to Rule 100 as a condition of service by a local exchange company shall not exceed two (2) months' charges for local exchange service. Additional deposits for damage or other reasons independent of usage may be in reasonable amounts. (3-29-10)

**104. INTEREST ON DEPOSITS (RULE 104).**

**01. Interest Payable.** Interest will be payable on the deposited amounts at the rate provided by Rule 104.02. Interest will accrue from the date the deposit is made until the deposit is refunded or applied to the customer's bill; however, interest will not accrue on a deposit if: (3-29-10)

**a.** Service is terminated temporarily at the request of the customer who leaves the deposit with the telephone company for future use as a deposit; or (7-1-93)

**b.** Service has been permanently terminated and the telephone company has been unsuccessful in its attempt to refund a deposit. (7-1-93)

**02. Interest Rate.** On or before November 15 of each year, the Commission will determine the twelve-month average interest rate for one-year Treasury Bills for the previous November 1 through October 31, round that rate to the nearest whole percent, and notify the telephone companies of its determination of this interest rate. That rate will be in effect for the following calendar year for all deposits described in Rule 104.01. (3-29-10)

**105. RETURN OF DEPOSIT -- LECS (RULE 105).**

**01. Former Customers.** Upon termination of service, the deposit, with accrued interest, must be credited to the final bill. The balance of the deposit remaining, if any, must be returned promptly to the customer. (3-30-01)

**02. Existing Customers.** If the customer has paid all undisputed bills and has no more than one (1) late payment during the past twelve (12) consecutive months of service, the telephone company shall promptly return the deposit (with accrued interest) by crediting the customer's current account or issuing a refund. (3-29-10)

**03. Retention During Dispute.** The local exchange company may retain the deposit pending resolution of a dispute over termination of service. If the deposit is later refunded to the customer, the local exchange company shall pay interest at the annual rates established in Rule 104 for the entire period over which the deposit was held. (7-1-93)

**04. Early Return of Deposit.** A local exchange company may refund a deposit plus accrued interest in whole or part at any time before the time prescribed in this rule. (7-1-93)

**106. TRANSFER OF DEPOSIT (RULE 106).**

Deposits shall not be transferred from one (1) customer to another customer or between classes of service, except at the customer's request. When a customer with a deposit on file transfers service to a new location within the same telephone company's service area in Idaho, the deposit and any outstanding balance shall be transferred to the account for the new location. (7-1-93)

**107. RECORDS OF DEPOSITS (RULE 107).**

**01. Receipts.** Each customer paying a deposit shall be provided the following information: (3-29-10)

**a.** Name of customer and service address for which deposit is held; (7-1-93)

**b.** Date of payment; (7-1-93)

**c.** Amount of payment; and (7-1-93)

d. Terms and conditions governing the return of deposits. (3-29-10)

**02. Retention of Records.** Each telephone company shall maintain records that will enable a customer entitled to a return of a deposit to obtain a refund even though the customer may be unable to produce the receipt for the deposit. These records must include the name of each customer, the service location(s) and telephone number(s) of the customer while the deposit is retained, and the date(s) and amount(s) of the deposits. The telephone company shall retain records of deposits that have been refunded to customers for a period of three (3) years after the date of refund. The telephone company shall retain records of unclaimed deposits for a period of seven (7) years as required by Section 14-531, Idaho Code. (4-6-05)

**03. Transfer of Records.** Upon the sale or transfer of any telephone company or any of its operating units, the seller shall certify to the Commission that it has a list showing the names of all customers whose service is transferred and who have a deposit on file, the date the deposit was made and the amount of the deposit. (7-1-93)

**108. UNCLAIMED DEPOSITS AND ADVANCE PAYMENTS (RULE 108).**

**01. Presumption of Abandonment.** Pursuant to Section 14-508, Idaho Code, any deposit or advance payment made to obtain or maintain local exchange service or other services that is unclaimed by the owner for more than one (1) year after termination of service is presumed abandoned. (3-29-10)

**02. Financial Assistance Program.** A telephone company may apply to the Commission for approval to pay unclaimed deposits and advance payments presumed to be abandoned to a financial assistance program which assists the telephone company's low income and disadvantaged customers with payment of utility bills. The telephone company shall remain obligated to file its report of such abandoned property as required by Section 14-517, Idaho Code, and retain records as required by Section 14-531, Idaho Code. (4-6-05)

**109. -- 199. (RESERVED)**

**BILLING**  
**Rules 200 Through 299**

**200. FURTHER DEFINITION -- BILLING STATEMENT (RULE 200).**

As used in Rules 201 through 205, "bill" or "billing statement" refers to a written request for payment listing charges for goods and services that is mailed or otherwise delivered to the customer for payment. A billing statement may be provided to the customer in an electronic format with the customer's consent. Oral notice of the amount of charges pending is not a bill. Bills include requests for payments for services rendered by other telephone companies or other entities that are not telephone companies. This rule does not apply to billings between or among telephone companies. (3-29-10)

**201. ISSUANCE OF BILLING STATEMENTS -- CONTENTS OF BILLS -- RESIDENTIAL AND SMALL BUSINESS SERVICE (RULE 201).**

**01. Local Exchange Service.** Billing statements for residential and small business local exchange service must be issued on a regular basis and must contain the following information: (3-29-10)

a. The date the billing statement is issued; (3-29-10)

b. The time period covered by the billing statement; (3-29-10)

c. The due date by which payment must be received, unless the customer has authorized automatic monthly payment. If automatic payment is authorized, the customer must be informed in writing when funds will be withdrawn from a bank account or charged to a credit card account. In addition, the billing statement must state the actual or earliest possible date that funds will be withdrawn or the credit card charged unless the customer consents otherwise in writing at the time automatic payment is authorized; (3-29-10)

- d. Any amounts transferred from another account; (7-1-93)
- e. Any amounts past due; (7-1-93)
- f. Any payments or credits applied to the customer's account since the last bill; (7-1-93)
- g. The total amount due; (7-1-93)
- h. Names of all telephone companies or entities providing goods and services for which the customer is billed, sufficient information to readily identify the goods and services provided, and the amounts charged; (3-29-10)
- i. The toll-free telephone number(s) available to customers for answering inquiries and resolving complaints about goods and services billed; (3-29-10)
- j. An itemization of charges for goods and services provided to the customer and any associated fees, taxes, surcharges or subscriber line charges. Charges for each good or service provided as part of a package under a single price, or calling plans in which individual calls are billed at a flat rate regardless of usage need not be separately itemized. (3-29-10)

**02. MTS Bills.** In addition to the requirements of Rule 201.01, bills for MTS service must identify the number called and the date, time, duration, destination and charge for each call, unless the customer has selected a flat rate calling plan. For collect and third-party calls the MTS provider must also itemize the origin of the call. (3-29-10)

**03. Other Services.** No telephone company may send demand letters or initiate collection efforts for any amount owed by a customer who subscribes to or is billed for services other than local exchange service and MTS services provided by another telephone company unless the bill separately lists those services as required by this rule. (3-29-10)

**04. Customer Request for Less Detail.** Upon customer request, telephone companies may provide billing statements containing less detail than required by this rule. Telephone companies must make available without charge detailed billing information for the preceding twelve (12) months to those customers who have elected to receive less detail on monthly billing statements but subsequently request more detail. (3-29-10)

**202. DUE DATE OF BILLS -- DELINQUENT BILLS (RULE 202).**

The telephone company may require that bills for service be paid within a specified time after the billing date. The minimum specified time after the billing date is fifteen (15) days (or twelve (12) days after mailing or delivery of a paper or electronic bill, if bills are mailed or delivered more than three (3) days after the billing date). Upon the expiration of this time without payment, the bill may be considered delinquent. With the customer's approval, automatic monthly payments made by withdrawal from a bank account or charged to a credit card account may take place prior to the normal due date if the customer has authorized such a payment. (3-29-10)

**203. BILLING ERRORS, BILLING UNDER INCORRECT RATES, OR FAILURE TO BILL (RULE 203).**

**01. Billing Errors -- Failure to Bill.** Whenever the billing for telephone service was not accurately billed because of malfunction in billing equipment or error in preparation of bills, the telephone company shall prepare a corrected billing. If the telephone company has not billed a customer for service provided, the telephone company shall prepare a bill for the period in which service was provided and the customer was not billed. At its discretion, the telephone company may waive rebilling for undercharges. (7-1-93)

**02. Billing Under Incorrect Rates.** A customer has been billed under an incorrect rate if the customer was billed under a rate for which the customer was not eligible or the customer, who is eligible for billing under more than one (1) rate, was billed under a rate contrary to the customer's election or the election was made based upon erroneous information provided by the telephone company. If a customer is billed under an incorrect rate, the telephone company must recalculate the customer's past bills and correctly calculate future bills based on the appropriate rate. The telephone company is not required to adjust bills when it has acted in good faith based upon

information provided by the customer. (3-29-10)

**03. Rebilling Time Period.** (3-29-10)

**a.** If the time when the billing error, billing under incorrect rates, or failure to bill (collectively referred to as “billing problem”) began cannot be reasonably determined to have occurred within a specified billing period, the corrected billings shall not exceed the most recent six (6) months before the discovery of the billing problem. (3-29-10)

**b.** If the time when the billing problem began can be reasonably determined, and the telephone company determines the customer was overcharged, the corrected billings shall go back to that time, but not to exceed three (3) years from the time the billing problem occurred as provided by Section 61-642, Idaho Code. (3-29-10)

**c.** If the time when the billing problem began can be reasonably determined and the telephone company determines the customer was undercharged, the company may rebill for a period of six (6) months unless a reasonable person should have known of the inaccurate billing, in which case the rebilling may be extended for a period not to exceed three (3) years. The telephone company is responsible for identifying customers who have not been billed or who have been inaccurately billed. (3-29-10)

**04. Refunds.** The telephone company must promptly calculate refund amounts overpaid by the customer and issue a credit within two (2) billing cycles. Any remaining credit balance shall be credited against future bills unless the customer, after notice from the telephone company, requests a refund and the amount is more than twenty-five dollars (\$25). The telephone company shall advise the customer of the option to have any remaining credit balance exceeding twenty-five dollars (\$25) refunded. (3-29-10)

**05. Additional Payments.** The telephone company must promptly prepare a corrected billing for a customer who has been undercharged, indicating the amount owed to the company. An unbilled or undercharged customer must be given the opportunity to make payment arrangements under Rule 310 on the amount due. At the customer’s option, the term of the payment arrangement may extend for the length of time that the underbilling accrued or the customer was not billed. (3-29-10)

**204. BILLING PROHIBITED -- BILLING DISPUTES (RULE 204).**

**01. Unauthorized Charges.** No telephone company shall bill for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service or other goods and services not ordered or otherwise authorized by the customer of record. A telephone company that unknowingly submits a bill containing charges for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service or other services or goods not ordered or otherwise authorized by the customer of record shall be considered in violation of this rule unless the disputed amounts are removed from the customer’s bill within two (2) billing cycles of the customer’s notification to the company. (3-29-10)

**02. Billing Disputes.** A telephone company that bills and collects for other telephone companies or entities is responsible for either addressing billing disputes regarding unauthorized goods and services for which it bills or advising customers how to contact the providers of those goods and services. If a customer is unable to either contact or successfully resolve a dispute about unauthorized goods and services for which the telephone company bills, a credit equal to the disputed charges must be applied to the customer’s account within two (2) billing cycles of the customer’s notification to the company. (3-29-10)

**205. RESPONSIBILITY FOR PAYMENT OF RESIDENTIAL SERVICE BILLS (RULE 205).**

**01. Customer Defined.** For purposes of this rule, “customer” means a person whose name appears on the telephone company’s regular bill for residential service or who signed a written application for residential service or another document informing the customer that he or she was assuming an obligation for payment of service. (7-1-93)

**02. Customer's Responsibility.** A customer shall not be held responsible for payment of an amount

not billed for the customer's own service or through use of the customer's own credit or facilities and whose own name does not appear on the current bill or application for service, unless: (7-1-93)

- a. The customer expressly accepts responsibility for payment of the other person's bill; or (7-1-93)
- b. The customer has a legal obligation to pay the other person's bill. (7-1-93)

**03. Customer Notice.** The telephone company shall provide written notice of its intent to add to the customer's bill for current service an amount owed for another person's bill or service rendered at a former service location, if the lapse in service exceeds sixty (60) calendar days. The notice may be provided in an electronic format with the customer's consent. (3-29-10)

**04. Contents of Notice.** The notice must include: (3-29-10)

- a. The name of the customer of record who owes the bill; (7-1-93)
- b. The service location and telephone number or account number involved; (7-1-93)
- c. The time over which the bill amount was accumulated; (3-29-10)
- d. The amount owed; (7-1-93)
- e. The reason(s) for adding the bill amount to the customer's billing statement; (3-29-10)
- f. Statement that payment arrangements may be made on the amount owed; (7-1-93)
- g. A statement that the customer has a right to contest the telephone company's proposed action by contacting the Commission; and (3-29-10)
- h. The response deadline after which the bill amount will be added to the customer's billing statement. (3-29-10)

**05. Opportunity to Respond.** The customer must be given a minimum of seven (7) calendar days from the date of its proposed action to respond to the telephone company notice. (3-29-10)

**206. -- 299. (RESERVED)**

**DENIAL, RESTRICTION, AND TERMINATION OF SERVICE**  
**Rules 300 Through 399**

**300. EXPLANATION FOR DENIAL OF A SERVICE TO A CUSTOMER (RULE 300).**

If a telephone company intends to deny service to a customer under Rule 301, the telephone company must provide an explanation to the customer stating the reasons for the telephone company's refusal to provide service and the necessary action(s) to be taken to receive service. In the event of a dispute, the customer must be advised that an informal or formal complaint concerning denial of service may be filed with the Commission. (3-29-10)

**301. GROUNDS FOR DENIAL OR TERMINATION OF LOCAL EXCHANGE SERVICE WITH PRIOR NOTICE (RULE 301).**

A telephone company may deny or terminate local exchange service to a customer without the customer's permission, but only after adequate notice has been given in accordance with these rules, for one (1) or more of the following reasons: (3-29-10)

**01. Customer Did Not Pay Undisputed Bills.** With respect to undisputed past due bills for local exchange service, the customer: (3-29-10)

- a. Failed to pay; (3-29-10)

- b. Paid with a dishonored check; or (3-29-10)
- c. Made an electronic payment drawn on an account with insufficient funds. (3-29-10)
- 02. Customer Failed to Make a Security Deposit.** The customer failed to make a security deposit, when one is required. (3-29-10)
- 03. Customer Failed to Abide by Terms.** The customer failed to abide by the terms of a payment arrangement. (3-29-10)
- 04. Customer Is Willfully Wasting or Interfering with Service.** The telephone company determines as prescribed by relevant state or other applicable standards that the customer is willfully wasting or interfering with service through improper equipment or otherwise. (3-29-10)
- 05. Customer Is a Minor.** The customer is a minor not competent to contract as described in Sections 29-101 and 32-101, Idaho Code. (3-29-10)
- 06. Obligation to Connect Service.** Nothing in this rule requires the telephone company to connect service for a customer who owes money on an existing account or from a previous account if the unpaid bill is for service provided within the past four (4) years. (3-29-10)

**302. GROUNDS FOR DENIAL OR TERMINATION OF A SERVICE, WITHOUT PRIOR NOTICE (RULE 302).**

A telephone company may deny or terminate a service or all services without prior notice to the customer and without the customer's permission for any of the following reasons: (3-29-10)

- 01. Dangerous Condition.** A condition immediately dangerous or hazardous to life, physical safety, or property exists, or it is necessary to prevent a violation of federal, state or local safety or health codes. (7-1-93)
- 02. Ordered to Terminate Service.** The telephone company is ordered to terminate service by any court, the Commission, or any other duly authorized public authority. (7-1-93)
- 03. Illegal Use of Services.** The service(s) was (were) obtained, diverted or used without the authorization or knowledge of the telephone company. (3-29-10)
- 04. Customer Unable to Be Contacted.** The telephone company has tried diligently to meet the notice requirements of Rule 303, but has been unsuccessful in its attempt to contact the customer. (3-29-10)
- 05. Misrepresentation.** The telephone company has determined that information provided by the customer is materially false or materially misrepresents the customer's true status. (3-29-10)

**303. REQUIREMENTS FOR NOTICE BEFORE TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 303).**

- 01. Initial Notice.** If the telephone company intends to terminate local exchange service under Rule 301, it must send to the customer written notice of termination mailed at least seven (7) calendar days before the proposed date of termination. Written notice may be provided by electronic mail (i.e. e-mail) if the customer is billed electronically and separately consents in writing to receiving electronic notification. This written notice must contain the information required by Rule 304. (3-29-10)
- 02. Final Notice.** At least twenty-four (24) hours before actual termination, the telephone company must diligently attempt to contact the customer to apprise the customer of the proposed action and the steps the customer must take to avoid or delay termination. This oral notice must contain the same information required by Rule 304. (3-29-10)
- 03. Additional Notice.** If the telephone company has not terminated service within twenty-one (21)

days after the proposed termination date as specified in a notice, the telephone company must again provide notice under Rules 303.01 and 303.02 if it still intends to terminate service. (3-29-10)

**04. Failure to Pay.** No additional notice of termination is required if, upon receipt of a termination notice: (3-29-10)

**a.** The customer makes a payment arrangement and subsequently fails to keep that arrangement; (3-29-10)

**b.** The customer tenders payment with a dishonored check; or (3-29-10)

**c.** Makes an electronic payment drawn on an account with insufficient funds. (3-29-10)

**304. CONTENTS OF NOTICE OF INTENT TO TERMINATE LOCAL EXCHANGE SERVICE (RULE 304).**

**01. Contents of Notice.** The written, electronic or oral notice of intent to terminate local exchange service required by Rule 303 must state: (3-29-10)

**a.** The reason(s), citing these rules, why service will be terminated and the proposed date of termination; (3-29-10)

**b.** Actions the customer may take to avoid termination; (3-29-10)

**c.** That a certificate notifying the local exchange company of a serious illness or medical emergency in the household may delay termination under Rule 306; (3-29-10)

**d.** That an informal or formal complaint concerning termination may be filed with the telephone company or the Commission, and that service will not be terminated on grounds relating to the dispute between the customer and telephone company before resolution of the complaint (the Commission's mailing address, Internet address, and telephone number must be given to the customer); (3-29-10)

**e.** That the telephone company is willing to make payment arrangements (in a written notice this statement must be in bold print); and (3-29-10)

**f.** What amount must be paid in order to avoid termination of local exchange service and that partial payments will be applied toward past due charges for local exchange service first. (3-29-10)

**305. TERMINATION OF LOCAL EXCHANGE SERVICE -- MAINTENANCE OF RECORDS (RULE 305).**

Each telephone company shall maintain for three months clear, written records of the oral notices to terminate local exchange service required by Rule 303.02 showing dates and telephone company employees giving the notices. (3-29-10)

**306. SERIOUS ILLNESS OR MEDICAL EMERGENCY (RULE 306).**

**01. Medical Certificate -- Postponement of Termination of Local Exchange or Long-Distance Services.** A telephone company offering local exchange or long-distance service between a residential customer and the customer's nearest community providing necessary medical facilities or services must postpone termination of local exchange or long-distance service to a residential customer for thirty (30) calendar days from the date of receipt of a written certificate signed by a licensed physician or public health official with medical training. The certificate must contain the following information: (3-29-10)

**a.** A statement that the customer, a member of the customer's family, or other permanent resident of the premises where service is provided, is seriously ill or has a medical emergency or will become seriously ill or may have a medical emergency because of termination of service; and that termination of local exchange service would adversely affect the health of that customer, member of the customer's family, or resident of the household. (3-29-10)

**b.** If the customer requests that termination of long-distance service be postponed, a statement that termination of long-distance service would impair the customer's ability to communicate with necessary medical facilities or services. (3-29-10)

**c.** The name of the person whose serious illness or medical emergency would be adversely affected by termination and the relationship to the customer. (4-6-05)

**d.** The name, title, and signature of the person certifying the serious illness or medical emergency. (4-6-05)

**02. Restoration of Service.** If local exchange or long-distance service has already been terminated when the medical certificate is received, the appropriate service shall be restored as soon as possible, but no later than twenty-four (24) hours after receipt. The customer shall receive local exchange and necessary long-distance services for thirty (30) calendar days from the telephone company's receipt of the certificate. (3-29-10)

**03. Second Postponement.** The telephone company may postpone termination of local exchange and necessary long-distance service for an additional thirty (30) days upon receipt of a second certificate stating that the serious illness or medical emergency still exists. (3-29-10)

**04. Verification of Medical Certificate.** The telephone company may verify the authenticity of the certificate and may refuse to delay termination of service if the certificate is a forgery or is otherwise fraudulent. (7-1-93)

**05. Obligation to Pay.** Nothing in this rule relieves the customer of the obligation to pay any undisputed bill. (4-6-05)

**307. MEDICAL FACILITIES -- SHELTER CARE (RULE 307).**

Where local exchange or long-distance services are provided to a customer known by the telephone company to be or identifying itself as a medical care facility, including a hospital, medical clinic with resident patients, nursing home, intermediate care facility or shelter care facility, notice of pending termination shall be provided to the Commission and to the State Department of Health and Welfare as well as to the customer. Upon request from the Commission, a delay in termination of no less than seven (7) calendar days from the date of notice shall be allowed so that action may be taken to protect the interests of the facility's residents. (3-29-10)

**308. INSUFFICIENT GROUNDS FOR TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 308).**

**01. Termination Prohibited.** No customer shall be given notice of termination of local exchange services nor shall the customer's local exchange service be terminated if the unpaid bill for local exchange service cited as grounds for termination is: (3-29-10)

**a.** Less than thirty (\$30) dollars; (3-29-10)

**b.** For telephone service provided to any other customer or former customer (unless that customer has a legal obligation to pay the other bill) or for a class of service (business or residential) other than the one to which the customer currently subscribes; (3-29-10)

**c.** For MTS or other goods and services provided by the telephone company or for which the telephone company bills; (3-29-10)

**d.** For service provided four (4) or more years ago unless the customer made a payment on the bill within the past four (4) years, or the customer signed a written payment agreement and then failed to pay; (3-29-10)

**e.** The subject of an informal or formal complaint filed with the Commission; or (3-29-10)

**f.** Is at issue in a case pending before a court in the state of Idaho unless termination is authorized by

court order.

(3-29-10)

**309. RESTRICTIONS ON TERMINATION OF LOCAL EXCHANGE SERVICE -- OPPORTUNITY TO AVOID TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 309).**

**01. When Termination Not Allowed.** Unless the customer affected has consented in writing, local exchange service shall not be terminated on any Friday after twelve noon or on any Saturday, Sunday, legal holidays recognized by the state of Idaho, or after twelve noon on any day immediately before any legal holiday, or at any time when the telephone company's business offices are not open for business, except as authorized by Rules 302.01 and 302.02, or for non-residential customers, as authorized by any Subsection of Rule 302. Local exchange services may be terminated only between the hours of 8 a.m. and 4 p.m., except as authorized by Rules 302.01 and 302.02.

(3-29-10)

**02. Personnel to Authorize Reconnection.** Each telephone company providing local exchange service shall have personnel available after the time of termination who are authorized to reconnect service if the conditions cited as grounds for termination are corrected to the telephone company's satisfaction. Customers may be asked to pay reconnection fees before restoration of service.

(1-1-95)

**03. Service to Persons Not Customers.** If local exchange service is provided to a residence and the account is in the name of one who does not reside there, the telephone company, prior to termination, shall notify the person(s) receiving service and afford the person(s) a reasonable opportunity to negotiate directly with the telephone company to purchase service in the resident's(s') own name(s).

(1-1-95)

**04. No Termination While Complaint Pending.** Except as authorized by order of the Commission or of the Judiciary, local exchange service shall not be terminated for failure to pay amounts in dispute while a complaint over that telephone service filed pursuant to Rule 401 is pending before this Commission or while a case placing at issue payment for that telephone service is pending before a court in the state of Idaho.

(3-29-10)

**310. PAYMENT ARRANGEMENTS (RULE 310).**

**01. Arrangements Allowed.** When a customer cannot pay a bill in full, the telephone company may continue to serve the customer if the customer and the telephone company agree on a reasonable portion of the outstanding bill to be paid immediately, and the manner in which the balance of the outstanding bill will be paid.

(7-1-93)

**02. Reasonableness.** In deciding on the reasonableness of a particular agreement, the telephone company will take into account the customer's ability to pay, the size of the unpaid balance, the customer's payment history and length of service, and the amount of time and reasons why the debt is outstanding.

(7-1-93)

**03. Application of Payment.** Payments are to be applied first to the undisputed past due balance owed by the customer for local exchange services. In discussing or negotiating payment arrangements, the telephone company shall advise the customer what amount of payment the customer must allocate to local exchange service or to long-distance service or other goods and services in order to retain those goods and services.

(3-29-10)

**04. Second Arrangement.** If a customer fails to make the payment by the agreed due date, the telephone company may, but is not obligated to, enter into a second arrangement.

(3-29-10)

**05. When Arrangement Not Binding.** No payment arrangement binds a customer if it requires the customer to forego any right provided for in these rules.

(1-1-95)

**311. DENIAL, RESTRICTION, MODIFICATION, OR TERMINATION OF LONG-DISTANCE SERVICE OR OTHER SERVICES (RULE 311).**

**01. Compliance.** Telephone companies regulated under Title 61, Idaho Code, providing long-distance or other services must comply with Rules 300, 302, 309.03, 309.04, and 310 in connection with denial, restriction, modification, or termination of those services. Telephone companies providing long-distance or other services must provide reasonable notice before terminating or restricting access to such services, except as provided by Rule 302.

Telephone companies providing long-distance services must provide reasonable notice before modifying a customer's existing service. Nothing in this rule abrogates customers' rights under those telephone companies' tariffs or filings, written agreements with customer, or obligations otherwise imposed by statutory or common law.

(3-29-10)

**02. Failure to Pay.** A customer's failure to pay for undisputed long-distance charges billed by the local exchange company may result in loss of 0+ or 0- and 1+ dialing access to long-distance services until such time as the customer pays the undisputed charges and any applicable reconnection charges.

(3-29-10)

**03. Loss of Services.** Customer failure to pay undisputed charges for other services may result in loss of those services.

(1-1-95)

### **312. CESSATION OF SERVICE IN A SERVICE AREA (RULE 312).**

**01. Single Local Service Provider.** A telephone company that intends to terminate a service regulated under Title 61, Idaho Code, and an eligible telecommunications carrier that intends to terminate its universal service obligation in an area where it is the only eligible telecommunications carrier, must comply with the following:

(3-29-10)

**a.** Petition the Commission for authority to terminate the service at least ninety (90) days before the company intends to terminate the service. If the Commission does not deny the petition or set it for hearing within ninety (90) days after receiving the petition, it shall be deemed approved;

(3-29-10)

**b.** Mail a notice to each affected customer and to each telecommunications provider affected by the proposed cessation no later than ten (10) days after filing its petition with the Commission.

(3-29-10)

**c.** Include with its petition a copy of the notice to customers and the number of customers affected by the proposed cessation;

(3-29-10)

**d.** Demonstrate that the termination will not deprive the public of necessary telephone services;

(3-29-10)

**e.** Obtain Commission approval before transferring customers to other telecommunications providers.

(3-29-10)

**02. Competitive Local Service Provider.** A local exchange company that intends to terminate local exchange service that is not subject to regulation under Title 61, Idaho Code, and an eligible telecommunications carrier that intends to terminate its universal service obligation in an area where it is not the only eligible telecommunications carrier, must comply with the following:

(3-29-10)

**a.** Provide notice to the Commission and each affected customer at least forty-five (45) days prior to the proposed termination of service;

(3-29-10)

**b.** Inform the Commission of the number of customers and the other providers affected by the proposed termination, and the company's plan to ensure that all customers served by the company will continue to be served;

(3-29-10)

**c.** The telecommunications company may, after complying with this rule, transfer customers to another telecommunications provider without obtaining affirmative approval from affected customers if the following conditions are satisfied:

(3-29-10)

**i.** The company terminating service has a written commitment from another provider to accept all of the exiting company's customers within the receiving company's service area;

(3-29-10)

**ii.** All affected customers are notified at least forty-five (45) days in advance that they may apply to another telecommunications company for the service that is being terminated, and that if they do not obtain service from another provider, then the exiting company will automatically transfer them to the receiving company.

(3-29-10)

iii. The receiving company may provide service to the terminating company's customers for up to forty-five (45) days without the affected customer applying for service from the receiving company. If the affected customers do not apply for service from or otherwise affirm an agreement to be served by the receiving company within forty-five (45) days, the receiving company may discontinue service. (3-29-10)

**313. -- 399. (RESERVED)**

### **COMPLAINT PROCEDURE**

#### **Rules 400 Through 499**

#### **400. COMPLAINT TO TELEPHONE COMPANY (RULE 400).**

**01. Subject Matter.** A customer for service may complain to the telephone company about any deposit or guarantee required as a condition of service, billing, termination of service, quality or availability of service, or any other matter regarding telephone company services, policies or practices for local exchange service, and other services. Complaints to the telephone company may be made orally or in writing. A complaint is considered filed when received by the telephone company. In making a complaint, the customer shall state the customer's name, service address, telephone number and the general nature of the complaint. (3-29-10)

**02. Company Investigation.** Upon receiving a complaint, the telephone company shall promptly, thoroughly and completely investigate the complaint, confer with the customer when requested, and notify the customer of the results of its investigation and make a good faith attempt to resolve the complaint. The oral or written notification shall advise the customer that the customer may request the Commission to review the telephone company's proposed disposition of the complaint. (3-29-10)

**03. Service Maintained.** The telephone company shall not terminate service based upon the subject matter of the complaint while investigating the complaint or making a good-faith attempt to resolve the complaint. (7-1-93)

#### **401. REVIEW BY COMMISSION (RULE 401).**

**01. Informal Review.** The Commission has authority to investigate and resolve complaints made by subscribers to telecommunication services that concern the quality and availability of local exchange service, or whether price and conditions of service are in conformance with filed tariffs or price lists, deposit requirements for such service or disconnection of such service. If a customer who has complained to a telephone company is dissatisfied with a telephone company's proposed disposition of the complaint, the customer may request the Commission to review informally the disputed issue and the telephone company's proposed disposition of the complaint. The Commission may consider complaints regarding any telephone services over which the Commission has authority. (3-29-10)

**02. Procedure on Review.** The Commission will process these requests as informal complaints pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. Telephone service shall not be terminated nor shall termination be threatened by notice or otherwise in connection with the subject matter of the complaint while the complaint is pending before the Commission so long as the customer continues to pay all amounts not in dispute, including current telephone bills. Upon request by any party, the parties and a representative of the Commission shall be required to meet and confer. (7-1-93)

**03. Rights Protected.** No customer shall be denied the opportunity to file a complaint with the Commission. (3-29-10)

**04. Formal Complaints.** Formal complaints may be filed according to the Commission's Rules of Procedure, IDAPA 31.01.01.000, et seq. (7-1-93)

#### **402. RECORD OF COMPLAINTS (RULE 402).**

**01. Recordkeeping.** Each telephone company must keep a record of written complaints and requests for conferences pursuant to Rules 400 and 401. These records must be retained for a minimum of one year at the office of the telephone company where the complaints were received. These written records are to be readily available upon request by the complaining customer, the customer's agent possessing written authorization, or the Commission. The records must note whether the customer was advised as required by Rule 400.03 that the customer may request the Commission to review the telephone company's proposed disposition of the complaint. (3-29-10)

**02. Reporting.** When previously requested by the Commission, a telephone company must submit a report to the Commission that states and classifies the number of complaints made to the telephone company pursuant to Rules 400 and 401 and the general subject matter of the complaints. (3-29-10)

**403. RESPONSES TO INFORMAL COMPLAINTS (RULE 403).**

Within ten (10) business days of receiving notification from the Commission that an informal complaint involving the company has been filed with the Commission, telephone companies must either respond orally or in writing to the Commission. A telephone company will be granted an extension of time to prepare its response if it represents that it is making a good faith effort to resolve the matter in dispute. A full and complete response should be submitted to the Commission no later than thirty (30) days after receipt of notification from the Commission. (7-1-99)

**404. -- 499. (RESERVED)**

**QUALITY OF SERVICE**  
**Rules 500 Through 599**

**500. QUALITY OF SERVICE (RULE 500).**

**01. Service Standards.** Each telephone company providing local exchange service pursuant to Title 61 or Title 62, Idaho Code, as applicable, and each eligible telecommunications carrier (ETC) is required to employ prudent management and engineering practices to ensure that customers receive the best quality of service practicable. Each telephone company is required to adopt and pursue a maintenance program aimed at achieving efficient operation of its systems to render safe, adequate and uninterrupted service. These programs must include guidelines for keeping all plant and equipment in good repair, including the following: (3-29-10)

- a.** Broken, damaged or deteriorated equipment must be promptly repaired or replaced; and (7-1-93)
- b.** Transmission problems (including induction, cross-talk, or other poor transmission on any line) must be promptly corrected when located or identified. (7-1-93)

**02. Service Outage.** If a customer's local telephone service quality deteriorates to such an extent that the customer cannot make local calls or cannot receive local calls or cannot use the service for voice grade communication because of cross-talk, static or other transmission problem, the telephone company must respond to a customer's report of such a "service outage" in accordance with Rule 502. (3-27-13)

**501. RESPONSE TO SERVICE OUTAGE (RULE 501).**

**01. Receipt and Recording of Reports.** Each telephone company providing local exchange service shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of and response to all reports. The telephone company shall maintain an accurate record of trouble reports made by its customers. This record shall include accurate identification of the affected customer or service, the time, date and nature of the report, the action taken to clear the trouble or satisfy the customer, and the date and time of trouble clearance or other disposition. This record shall be available to the Commission or its authorized representatives upon request at any time within two (2) years of the date of the record. (3-29-10)

**02. Repair Commitments.** Commitments to customers for repair service shall be set in accordance with Rule 502. Each telephone company shall make every reasonable attempt to fulfill repair commitments to customers. Customers shall be timely notified of unavoidable changes. (3-27-13)

**502. REPAIR SERVICE STANDARDS (RULE 502).**

**01. Restoration of Service.** When a telephone company providing local exchange service is informed by a customer of a service outage as described in Rule 500.02, the telephone company must restore service within forty-eight (48) hours after the report of the outage, except: (3-27-13)

**a.** Restore service within sixteen (16) hours after the report of the outage if the customer notifies the telephone company that the service outage creates an emergency for the customer; or (7-1-93)

**b.** For outages reported on Friday, Saturday or Sunday, the company must restore service no later than the following Tuesday by 6 p.m. (3-27-13)

**02. Extenuating Circumstances.** Following disruption of telephone service caused by natural disaster or other causes not within the telephone company's control and affecting large groups of customers, or in conditions where the personal safety of an employee would be jeopardized, the telephone company is required to use reasonable judgment and diligence to restore service, giving due regard for the needs of various customers. When a customer causes the customer's own service outage or does not make a reasonable effort to arrange a repair visit within the service restoration deadline, or when the telephone company determines that the outage is attributable to the customer's own equipment or inside wire, the telephone company is not required to meet the restoration timelines of Rule 502.01. (3-27-13)

**03. Compliance Standard.** Each month at least eighty percent (80%) of out-of-service trouble reports shall be cleared in accordance with Rules 502.01 and 502.02. (3-27-13)

**503. -- 599. (RESERVED)**

**MISCELLANEOUS PROVISIONS**  
**Rules 600 Through 699**

**600. INFORMATION TO CUSTOMERS (RULE 600).**

**01. Required Information.** Each telephone company providing local exchange service must make the following information available to its customers: (3-29-10)

**a.** A summary of the general terms and conditions under which service is provided, referring to these rules as appropriate; (3-29-10)

**b.** A clear and concise explanation of: (3-29-10)

**i.** All the goods and services for which the customer is billed, including those goods and services provided as part of a package offered by the telephone company; (3-29-10)

**ii.** All recurring charges associated with individual goods and services or package of goods and services for which the customer is billed; (3-29-10)

**iii.** Any early termination fees that apply if the customer terminates service prior to the end of a service agreement or contract period; (3-29-10)

**iv.** The telephone company's dispute resolution procedures and a statement that an informal or formal complaint may be filed with the Commission; and (3-29-10)

**v.** If the customer subscribes to non-published service, the circumstances under which the telephone company will release information about the customer or the customer's service and to whom it will be released. (3-29-10)

**02. When and How Information Provided.** Information must be provided to customers in writing upon initiation of service and whenever a material change in the terms and conditions of service or charges for goods and services takes place. Information provided upon initiation of service may be separately mailed or included with the paper or electronic billing statement delivered to the customer. Subsequent notices may be made by separate mailing, included with a billing statement or, with the customer's consent, by electronic notice with reference to information contained on the telephone company's website. (3-29-10)

**601. ACCESS TO EMERGENCY SERVICES (RULE 601).**

In counties where consolidated emergency communications systems, as defined by Section 31-4802, Idaho Code, are established, the local exchange company shall provide access to those services to all its customers. (7-1-99)

**602. REQUEST FOR TELEPHONE COMPANY RECORDS (RULE 602).**

**01. General Rule.** If any telephone company subject to these rules is directed by subpoena or court order to disclose customer records, as soon as practical, it must notify the customer what records were requested and of the company's response to the request. In no case shall the reasonable period of time under this rule exceed two (2) business days after deciding to abide by that request. (3-29-10)

**02. Exceptions.** This rule does not apply if a judge of a court of competent jurisdiction has ordered a telephone company not to disclose that it has complied with a court order or subpoena to turn over a customer's telephone records. (3-29-10)

**603. AUTOMATIC RECORDING (RULE 603).**

Certain federal, state or local agencies have been permitted by rule or tariff approved by or filed with the Federal Communications Commission or this Commission to automatically record all telephone conversations on certain lines of the agency. This automatic recording is allowed for security, safety or public interest purposes. Release of telephone conversations automatically recorded by such a government agency for purposes unrelated to security, safety or the public interest is expressly prohibited under the authority of rules or tariffs authorizing automatic recording of conversations. This rule does not preclude the records' release pursuant to independent judicial, executive, legislative, or other order or authorization for release of such conversations, or upon consent of all parties whose conversations were recorded. (7-1-93)

**604. PUBLIC NOTICE (RULE 604).**

Telephone companies must give "public notice" of all proposed changes in rates as required by Section 62-606, Idaho Code. Public notice must be reasonably designed to call affected customers' attention to the proposed changes in rates. Legal advertisements alone will not be considered adequate public notice. Individual notice to all customers affected will always constitute public notice. Notices of rate increases must be provided to individual customers at least ten (10) days before change is effective. (3-29-10)

**605. TELEPHONE SOLICITATIONS (RULE 605).**

Each telephone company providing local exchange service must summarize the provisions of Sections 48-1001 et seq., Idaho Code, in an annual insert in a billing statement mailed to customers or by conspicuous publication in the consumer pages of the local telephone directory. Local exchange companies may meet the requirements of this notice by publishing the following explanation or one (1) substantially similar: (3-29-10)

**IMPORTANT NOTICE CONCERNING PURCHASE  
OF GOODS AND SERVICES BY TELEPHONE**

You have important rights under the Idaho Telephone Solicitation Act. Under this Act it is illegal for persons attempting to sell you goods or services by telephone (telephone solicitors):

- To intimidate or harass you in connection with the attempted sale.
- To refuse to hang up and free your telephone line immediately once you request them to do so.
- To misstate the price, quality, or availability of goods or services, or to fail to reveal all material terms relating to the sale of goods or services.
- To advertise, represent or imply that they have the endorsement of any government office or agency when they do not.
- To advertise, represent or imply that they have a valid registration number with the Attorney General when they do not.
- To use any unfair method of competition or unfair or deceptive practice.

Any person not yet eighteen (18) years old who purchases goods or services pursuant to a telephone solicitation may cancel the purchase within a reasonable time after the purchase is made. No parent or legal guardian having custody of a person not yet eighteen (18) years old is liable for the purchase of goods or services by a person not yet eighteen (18) years old pursuant to telephone solicitation.

When you agree to purchase goods or services over the telephone, you may have a right to reconsider and cancel your agreement for three (3) business days after receiving a written confirmation of the sale.

A person whose rights are violated by telephone solicitors may have the right to declare a contract of purchase null and void or invoke other remedies under the Idaho Consumer Protection Act.

If you believe that a telephone solicitor has done any unlawful acts, you may contact the Attorney General's Office for assistance and information at: 1 (800) 432-3545 (toll-free) or 334-2424 (Boise area).

(3-29-10)

**606. INFORMATION, PRICE LISTS OR TARIFFS FOR NON-LOCAL EXCHANGE SERVICE (RULE 606).**

**01. Information to be Filed.** All telephone corporations, except mutual nonprofit or cooperative corporations, that did not on January 1, 1988, hold a certificate of public convenience and necessity issued by the Commission and that do not provide basic local exchange service are required by Section 62-604(1)(b), Idaho Code, to file a notice with this Commission before offering services in Idaho. The notice must contain the following information: (3-29-10)

**a.** The name of the telephone corporation and the business name of the telephone corporation if it does business under an assumed business name; (3-29-10)

**b.** The United States and electronic (if available) mailing addresses of the principal place of business of the telephone corporation, and, if there is a principal place of business in Idaho, the addresses of the principal place of business in Idaho; (3-29-10)

**c.** An agent in Idaho for service of process by the Commission in the state of Idaho including the agent's United States and electronic (if available) mailing addresses; (3-29-10)

**d.** A description of the telecommunication services offered by the telephone corporation and a map of the area(s) served by the telephone corporation or in which the telephone corporation offers or intends to offer service; (3-29-10)

**e.** Address(es) and toll-free telephone number(s) for personnel responsible for handling consumer inquiries, complaints, etc., by the public; and (3-29-10)

**f.** Name(s), United States mail and electronic (if available) addresses, and telephone number(s) of person(s) designated as a contact for the Commission Staff in resolving consumer complaints, responding to consumer inquiries, and answering matters concerning rates and price lists or tariffs. These notices must be updated at least annually, between December 1 and December 31 each year, and whenever there is a change in the telephone corporation's name, address, or agent for service of process. (3-29-10)

**02. Service.** Notices, orders, rules, complaints and other documents issued by the Commission may be served by United States or electronic mail on the agent for service of process listed pursuant to this rule. This service constitutes due and timely notice to the telephone corporation, and no further service is necessary to bind the telephone corporation. Telephone corporations obligated by statute to file the notice required by this rule, but failing to do so, are bound by the Commission's motions, orders, rules, complaints and other documents upon their filing with the Commission Secretary. (3-29-10)

**607. PRICE LISTS OR TARIFF FILINGS (RULE 607).**

**01. Price Lists or Tariffs.** All telephone corporations subject to the Telecommunications Act of 1988 are required by Section 62-606, Idaho Code, or by this Commission's implementation of Section 62-616, Idaho Code, to file for informational purposes price lists or tariffs that reflect the availability, price, terms and conditions of all telecommunication services not offered under Title 61 of the Idaho Code. The price lists or tariffs must: (3-29-10)

**a.** Contain a title page identifying the telephone corporation; (3-29-10)

**b.** Show on each page the name of the company, the date of issuance and an effective date for their rates; (3-29-10)

**c.** Contain a table of contents; (3-29-10)

**d.** Number pages and paragraphs describing the services; (3-29-10)

**e.** Show when pages or services have been cancelled or revised; and (3-29-10)

**f.** Provide a mechanism (e.g., page revision numbers) for tracing additions, deletions or amendments to the price list or tariff. The price lists or tariffs must include schedules of rates for each type of service generally made available to subscribers, showing the effective date of all rates and charges and listing any rules and regulations associated with provision of the services. Surcharges, discounts, hours of availability, minimum service periods, and other conditions of service must be detailed. (3-29-10)

**02. Changes to Price Lists or Tariffs.** When required by Section 62-606, Idaho Code, changes to price lists or tariffs are effective not less than ten (10) days after filing with the Commission and giving public notice to affected customers except for charges for non-recurring services quoted directly to the customer when an order is placed or price reductions, both of which may take effect immediately with filing. Changes to price lists or tariffs must be accompanied by a letter of transmittal stating how affected customers received notice of the changes to price lists or tariffs. See Rule 604. (3-29-10)

**03. Tracking Price Lists or Tariffs.** Each revision to a price list or tariff must be accompanied by a cover letter summarizing the changes to the price list or tariff, specifically referring to existing tariff pages affected by the new price list or tariff and stating whether new pages replace, are in addition to, or delete existing pages. The Commission Secretary may adopt a system to number each company's changes to its price lists or tariffs. (3-29-10)

**608. FORM AND NUMBER OF COPIES OF PRICE LIST OR TARIFF (RULE 608).**

Price lists or tariffs filed pursuant to Section 62-606, Idaho Code, or by this Commission's implementation of Section 62-616, Idaho Code, must have a blank space approximately three by one and one-half inches (3" x 1-1/2") square provided for the Commission's filing stamp in the upper right or lower right corner of each schedule filed. An original and three (3) copies of the price list or tariff must be filed with the Commission. The Commission stamps its indication that the price list or tariff has been filed in the space provided on each copy of the price list or tariff, placing the original in its files and returning one copy to the telephone corporation. (3-29-10)

**609. -- 699. (RESERVED)**

**SLAMMING PROVISIONS**

**Rules 700 Through 799**

**700. THE UNAUTHORIZED CHANGE OF A CUSTOMER'S TELEPHONE COMPANY (RULE 700).**

Local exchange companies and interexchange carriers are prohibited from submitting or executing an unauthorized change in a customer's selection of a provider of local or long distance telephone service. This practice is commonly referred to as "slamming." The Commission will administer the Federal Communications Commission's regulations regarding slamming. (3-15-02)

**701. ADOPTION OF FEDERAL SLAMMING REGULATIONS (RULE 701).**

The Commission adopts the slamming regulations promulgated by the Federal Communications Commission and found at Sections 64.1100 through 64.1170 and 64.1190, Title 47, Code of Federal Regulations (October 1, 2004). Local exchange companies and interexchange carriers shall comply with applicable provisions of the federal regulations adopted by reference except as modified in Rule 702. (3-29-10)

**702. STATE PROCEDURES (RULE 702).**

The federal slamming procedures incorporated by reference in Rule 701 are modified as follows: (3-29-10)

**01. Form.** Complaints regarding an unauthorized carrier change may be filed with the Commission in person, by mail, by e-mail, or by telephone. E-mail complaint forms to [secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov). A copy of the telephone bill(s) in dispute and other relevant evidence shall be provided to the Commission by the complaining party. The slamming complaint shall include the following information: (3-15-02)

- a.** Name, address and telephone number of complainant; (3-15-02)
- b.** Name/identity of the alleged slamming carrier; (3-15-02)
- c.** Name of the previous authorized carrier; (3-15-02)
- d.** Name of the billing entity; (3-15-02)
- e.** Date the alleged slamming occurred; (3-15-02)
- f.** Whether the customer has been restored to the preferred carrier; (3-15-02)
- g.** Whether the customer has paid any or all of the disputed charges; (3-15-02)
- h.** Efforts in attempting to resolve the alleged slamming; and (3-15-02)
- i.** Whether the customer was charged for changing carrier(s). (3-15-02)

**02. Procedure.** The Commission's Consumer Assistance Staff shall be responsible for resolving slamming complaints under the Commission's informal complaint procedures in IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Rules 21 through 24. Not later than twenty-one (21) calendar days after notification of a slamming complaint, the alleged unauthorized carrier shall provide to the Consumer Assistance Staff a copy of any valid proof of verification of the carrier change and any other evidence relevant to the complaint. Use of the Commission's informal complaint procedures are mandatory. (3-15-02)

**03. Written Determination.** When its informal investigation is complete, the Consumer Assistance Staff shall issue a written determination to the customer, alleged unauthorized carrier, and the authorized carrier. (3-15-02)

**04. Appeal of Staff Determination.** A customer or carrier aggrieved by the Consumer Assistance Staff's determination of a slamming complaint may file a formal complaint with the Commission pursuant to IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Rule 54. An appeal of Staff's determination shall be filed with the Commission Secretary within twenty-one (21) calendar days of the Staff's written determination. An aggrieved party's failure to file a formal complaint shall constitute a waiver or abandonment of the slamming complaint. (3-15-02)

**703. -- 999. (RESERVED)**

**IDAPA 31  
TITLE 46  
CHAPTER 01**

**31.46.01 – UNIVERSAL SERVICE FUND RULES**

**000. LEGAL AUTHORITY (RULE 0).**

These rules are adopted under the general legal authority of the Telecommunications Act of 1988, Chapter 6, Title 62, Idaho Code, and the specific authority of Section 62-610, Idaho Code. (7-1-93)

**001. TITLE AND SCOPE (RULE 1).**

The title of these rules is “Universal Service Fund Rules.” Their scope is that they apply to all telephone corporations’ collection of and payment of monies to fund the Universal Service Fund, to all disbursements from the Universal Service Fund, to all actions by the Universal Service Fund Administrator, and to any other matter that may involve the Universal Service Fund. (7-1-93)

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (6-30-19)T

**003. ADMINISTRATIVE APPEALS (RULE 3).**

Any telephone corporation aggrieved by any decision of the Universal Service Fund Administrator or the Commission Staff under these rules may petition the Commission to review the decision of the Administrator or the Commission Staff by filing a formal petition according to the Commission’s Rules of Procedure, IDAPA 31.01.01.000, et seq. (7-1-93)

**004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).**

Rule 303.05 details which papers filed with the Commission in connection with the administration of the Universal Service Fund are public records and which are trade secrets exempt from disclosure under Section 74-107(1), Idaho Code. (4-5-00)

**005. DEFINITIONS (RULE 5).**

**01. Basic Local Exchange Service.** “Basic local exchange service” means the provision of access lines to residential and small business customers with the associated transmission of two-way interactive switched voice communication within a local exchange area. See Section 62-603(1), Idaho Code. (7-1-93)

**02. Basic Local Exchange Rate.** “Basic local exchange rate” means the monthly charge imposed by a telephone corporation for basic local exchange service, but does not include any charges resulting from action by a federal agency or taxes or surcharges imposed by a governmental body that are separately itemized and billed by a telephone corporation to its customers. See Section 62-603(2), Idaho Code. (7-1-93)

**03. Business Telephone Service.** “Business telephone service” means telecommunication service that is not residential telephone service. (7-1-93)

**04. Local Exchange Company (LEC).** “Local exchange company” (LEC) is a telephone corporation providing local exchange service to customers in Idaho. (7-1-93)

**05. Local Exchange Service.** “Local exchange service” means the provision of local exchange access lines to residential or business customers with the associated transmission of two-way interactive switched voice-grade transmission within a local exchange area. (7-1-93)

**06. Message Telecommunication Service (MTS).** “Message telecommunication service (MTS)” means the transmission of two-way interactive switched voice communication between local exchange areas for which charges are made on a per-unit basis, not including wide area telecommunications service (WATS), or its equivalent, or individually negotiated contracts for telecommunication services. See Section 62-603(6), Idaho Code. (7-1-93)

**07. MTS/WATS Company.** “MTS/WATS company” means a telephone corporation providing Idaho intrastate MTS or WATS services within the definition of Section 62-603(6), Idaho Code. (7-1-93)

**08. Residential Customer.** “Residential customer” means a person to whom telecommunication services are furnished at a dwelling and which are used for personal or domestic purposes and not for business, professional or institutional purposes. See Section 62-603(a), Idaho Code. (7-1-93)

**09. Residential Telephone Service.** “Residential telephone service” means telecommunication service furnished and maintained at a dwelling primarily for personal or domestic purposes and not for business, professional or institutional purposes, i.e., service provided to a residential customer as defined in Section 62-603(7), Idaho Code. (7-1-93)

**10. Residual Revenue Requirement.** “Residual revenue requirement means a local exchange company’s revenue requirement as determined by the Commission less revenue generated by all intrastate telecommunication services, including local exchange services priced at one hundred twenty-five percent (125%) or more of the weighted statewide average and MTS/WATS access services priced at one hundred percent (100%) or more of the statewide average, less contributions from the federal universal service fund. See Section 62-610(4), Idaho Code. (7-1-93)

**11. Small Business Customer.** “Small business customer” means a business entity, whether an individual, partnership, corporation or any other business form, to whom telecommunication services are furnished for occupational, professional or institutional purposes, and whose business entity does not subscribe to more than five (5) access lines within a building. See Section 62-603(a), Idaho Code. (7-1-93)

**12. Telecommunication Service.** “Telecommunication Service” means the transmission of two-way interactive switched signs, signals, writing, images, sounds, messages, data, or other information of any nature by wire, radio, light waves, or other electromagnetic means (which includes message telecommunication service and access service), which originate and terminate in Idaho, and are offered to or for the public, or some portion thereof, for compensation. “Telecommunication Service” does not include the one-way transmission to subscribers of: (7-1-93)

**a.** Video programming; or (7-1-93)

**b.** Other programming service, and subscriber interaction, if any, which is required for the selection of such a video programming or other programming service, surveying, or the provision of radio paging, mobile radio telecommunication services, answering services (including computerized or otherwise automated answering or voice message services), and such services shall not be subject to the provisions of Title 61, Idaho Code, or Title 62, Idaho Code. See Section 62-603(9), Idaho Code. (7-1-93)

**13. Telephone Corporation.** “Telephone corporation” means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, providing telecommunication services for compensation within Idaho. Telephone corporations providing radio paging, mobile radio telecommunications services, answering services (including computerized or otherwise automated answering or voice message services), or one-way transmission to subscribers of: (7-1-93)

**a.** Video programming; or (7-1-93)

**b.** Other programming service, and subscriber interaction, if any, which is required for the selection of such a video programming or other programming service or surveying are exempt from any requirement of Title 62 or Title 61, Idaho Code, in the provision of such services. See Section 62-603(10), Idaho Code. (7-1-93)

**14. WATS.** “WATS” means wide-area telecommunications service. (7-1-93)

**006. -- 100. (RESERVED)**

**GENERAL PROVISIONS - RULES 101 THROUGH 200**

**101. ESTABLISHMENT AND PURPOSES (RULE 101).**

Section 62-610, Idaho Code, directs the Commission to establish a universal service fund (USF) for the purposes of maintaining universal availability of local exchange service at reasonable rates and to promote the availability of message telecommunication service (MTS) at reasonably comparable prices throughout the state of Idaho. The USF is established pursuant to this statute. Rules or orders issued by the Commission concerning administration of the USF supersede previous rules, orders or provisions of the contract between the Commission and the Universal Service Fund administrator. (7-1-93)

**102. ADMINISTRATOR OF THE USF (RULE 102).**

The Commission shall contract with an administrator of the universal service fund. The administrator of the USF shall receive all monies surcharged by telephone corporations for payment into the USF, account for those monies pending their disbursement, disburse those monies to qualifying recipients according to the terms of the administrator's contract and the Commission's rules and orders, and comply with the other requirements of these rules or orders. The administrator shall have the authority to hire an attorney approved by the Commission to pursue enforcement action, including initiating civil proceedings, against telephone corporations that violate the USF rules. The Commission has a right to audit the books and records of the administrator of the USF. (4-26-95)

**103. STATEWIDE END-USER SURCHARGES (RULE 103).**

**01. Imposition of Surcharges.** Pursuant to 62-610(2), Idaho Code, the USF is funded by the imposition of statewide end-user surcharges on local exchange, MTS and wide-area telephone service (WATS) services in amounts to be determined by the Commission pursuant to Rule 104. (7-1-93)

**02. Local Exchange Surcharges.** The local exchange surcharges are imposed monthly as cents-per-line charges uniform throughout the state with the business-residential differential for the surcharges equal to the statewide average business-residential price ratio. (7-1-93)

**03. MTS/WATS Surcharges.** The MTS and WATS surcharges are imposed monthly on a uniform basis by: (7-1-93)

**a.** A uniform cents-per-minute surcharge applied to the monthly MTS and WATS bill of each end-user for all MTS/WATS companies using this option; or, alternatively, (7-1-93)

**b.** A company-specific percentage surcharge applied to the monthly MTS and WATS bill of each end-user. (7-1-93)

**04. Remittance of Surcharges.** Surcharges of a given level are authorized by order of the Commission and continue in effect until modified by subsequent order of the Commission. Surcharges on Title 62 services may be explicitly added to customers' bills in addition to charges that would otherwise be collected or may be implicitly included in customers' bills (and remitted by the telephone corporation) without increasing customers' bills. Unless otherwise provided by order of the Commission or letter from the Commission Staff or from the USF administrator issued pursuant to Rules 401 or 402, surcharges imposed by these rules are to be remitted monthly to the administrator pursuant to Rule 201. (7-1-93)

**104. THE COMMISSION'S DETERMINATION OF FUNDING LEVELS (RULE 104).**

**01. Issuance of Commission Order.** On or before September 1 of each year the Commission shall issue an order in response to the administrator's report, which will establish statewide end-user surcharges to be in effect for the twelve (12) months beginning October 1 following issuance of the order. (7-1-93)

**02. Findings and Directives of the Order Prescribing Statewide End-User Surcharges.** The order prescribing statewide end-user surcharges for the twelve months beginning October 1 shall contain the following: (7-1-93)

**a.** The Commission's finding of the funding target for the USF for the twelve (12) months beginning October 1, based upon the anticipated revenue requirement of the USF for those twelve (12) months (including certain or likely changes in the revenue requirement of the USF from that reported by the administrator) and prudent

management of minimum fund balances; (7-1-93)

**b.** The Commission's finding of the fair, just, and reasonable contribution to this twelve (12) month funding target that should be made from local exchange and MTS/WATS surcharges; and (7-1-93)

**c.** The Commission's finding of the statewide end-user surcharges to be imposed for the twelve (12) months beginning October 1 to reach the funding target. (7-1-93)

**03. Calculation of Local Surcharges.** The surcharge imposed by Subsection 104.02.c. of this rule to be remitted by each LEC for residence and business local exchange service shall be calculated in the following manner from the total funds that the Commission finds should be recovered from local exchange surcharges. The Commission may round the surcharges for local residence and business service to the nearest cent per month. The following is an example of calculation of local service surcharge: (7-1-93)

**a.** Total dollars to be funded from local service surcharges -- twenty-four thousand dollars (\$24,000)/month. (7-1-93)

**b.** Total local residence lines (as reported in Rule 302.02) -- four hundred fifty thousand (450,000) (7-1-93)

**c.** Weighted, state-wide average one-party, single-line flat residence rate (as reported in Rule 302.03) -- ten dollars (\$10)/month (7-1-93)

**d.** Hypothetical Residence revenues under statutory formula (line b x line c) -- four million five hundred thousand (\$4,500,000)/month (7-1-93)

**e.** Total local business lines (as reported in Rule 302.02) -- fifty thousand (50,000) (7-1-93)

**f.** Weighted, statewide average one-party, single-line flat business rate (as reported in Rule 302.03) -- thirty dollars (\$30)/month (7-1-93)

**g.** Hypothetical business revenues under statutory formula (line e x line f) -- one million five hundred thousand dollars (\$1,500,000)/month (7-1-93)

**h.** Total hypothetical revenue (line d + line g) -- six million dollars (\$6,000,000) (7-1-93)

**i.** Residence relative responsibility (line d / line h) -- .7500 (7-1-93)

**j.** Residence total responsibility -- eighteen thousand dollars (\$18,000) (7-1-93)

**k.** Residence surcharge (line j / line b) -- four cents (\$.04)/month (7-1-93)

**l.** Business relative responsibility (line g / line h) -- .2500 (7-1-93)

**m.** Business total responsibility (line a x line l) -- six thousand dollars (\$6,000)/month (7-1-93)

**n.** Business surcharge (line h /line e) -- twelve cents (\$.12)/month (7-1-93)

\* These hypothetical revenues from residence and business lines do not correspond to any actual revenues received by telephone corporations. Instead, they represent a calculation of revenues that would result if every residence and business line subscribed to one-party, single-line service at the weighted statewide average rate calculated for those services, which is the statutory formula underlying the calculation of the surcharges.

**04. Calculation of MTS/WATS Surcharges.** The surcharge imposed by Rule Subsection 104.02.c. of this rule to be remitted by each MTS/WATS company for MTS/WATS service shall be calculated in one (1) of two (2) alternative manners: (7-1-93)

**a.** A uniform cents per minute surcharge for all MTS/WATS companies using this option will be calculated by the Commission by dividing the total revenues to be recovered from toll surcharges from all companies by the total actual toll minutes reported for all companies under Rule 204; or, alternatively, (7-1-93)

**b.** A company-specific percentage surcharge will be calculated by the company (and reviewed by the administrator) by multiplying the individual MTS/WATS company's total toll minutes as reported in Rule 204 by the cents-per-minute surcharge calculated in a above, then dividing by the total toll revenues as reported for that company reported in Rule 204. (7-1-93)

**105. TELEPHONE CORPORATIONS' AUTHORIZATION TO IMPOSE SURCHARGES (RULE 105).**

**01. Local Exchange Companies.** All local exchange companies are authorized to impose a surcharge for residence and business local exchange service in the amounts set forth in the order issued pursuant to Rule 104.03. The LEC may impose surcharges on the service of any customer subscribing to local service on or after October 1 following issuance of the order and may prorate the surcharge in the same manner as the LEC prorates other flat monthly charges. (7-1-93)

**02. MTS/WATS Companies.** All MTS/WATS companies (except those exempted from remitting surcharges to the USF administrator pursuant to Rule 402) are authorized to impose a surcharge on Idaho intrastate MTS/WATS services in the amounts set forth in the order issued pursuant to Rule 104.04. The MTS/WATS surcharge may be imposed in two (2) different manners: (7-1-93)

**a.** The MTS/WATS company is authorized to impose beginning October 1 following issuance of the order an MTS/WATS surcharge per toll minute in the amount set forth in the order issued pursuant to the Rule 104.04.a.; or, alternatively, (7-1-93)

**b.** The MTS/WATS company is authorized to impose beginning October 1 following issuance of the order an MTS/WATS surcharge on a uniform percentage basis in the manner set forth in the order issued pursuant to Rule 104.04.b. Within fourteen (14) days after the Commission has issued its order pursuant to Rule 104 authorizing surcharges on MTS/WATS service, MTS/WATS companies authorized to impose surcharges under this paragraph must notify the administrator and the Commission in writing which option they choose for the twelve (12) months beginning October 1 following issuance of the order. (7-1-93)

**106. APPLICATIONS FOR FUNDS -- ORDERS FOR FUNDING (RULE 106).**

**01. Eligibility.** Pursuant to 62-610, Idaho Code, a telephone corporation that provides local exchange service and access service for MTS/WATS providers may apply for disbursement from the USF if: (7-1-93)

**a.** Its average residence and business rates for local exchange service for one-party, single-line services exceed one hundred twenty-five percent (125%) of the weighted statewide average rates for one-party, single-line services for residence and business lines, respectively; and (7-1-93)

**b.** Its average rates per minute for MTS/WATS access services exceed one hundred percent (100%) of the weighted statewide average rate for the same or similar MTS/WATS access services. (7-1-93)

**02. Continuation of Eligibility.** Each telephone company's average rate for one-party single-line residence and business service and for MTS/WATS access service shall be calculated individually and compared to the threshold rate based on the newly calculated statewide average as calculated annually by the Administrator pursuant to Rule 302. In order to continue receiving USF funding after the first year of eligibility, the rate shall be revised to equal or exceed the threshold rate, if a company's average for one-party single-line residence or business service or its rate for MTS/WATS access service is below the threshold rate and if: (4-5-00)

**a.** The difference in the company's current average rate and the statewide average threshold rate is greater than three percent (3%); and (4-26-95)

**b.** The difference in the annual revenue associated with the company's current rate and the revenue associated with the statewide average threshold rate is over six thousand dollars (\$6,000). (4-26-95)

**03. Form of Application.** An application for initial USF funding or changes in USF funding may be made in a general rate case or as otherwise allowed by the Commission. Applications must quantify the USF funding sought and the proposed rates to be charged for one-party, single-line residence and business services and for MTS/WATS access services, indicating how USF funding will benefit the rates for these services. Applications must comply with the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (4-26-95)

**04. Changes to Funding on Commission's Own Motion.** The Commission on its own motion may by order change a telephone company's funding from the USF: (4-26-95)

**a.** In connection with any proceeding affecting the telephone company's residual revenue requirement; (7-1-93)

**b.** In connection with a recalculation of the statewide average rates for one-party, single-line residence and business rates and MTS/WATS access services and those recalculations' effect on the threshold for eligibility for funding; (7-1-93)

**c.** In connection with redetermination of the percentage of the residual revenue requirement that should be met by the USF; or (7-1-93)

**d.** As otherwise provided by order. No order altering a telephone company's funding from the USF will be issued without notice that USF funding is at issue and appropriate opportunity to be heard in person or in writing. (7-1-93)

**05. Order for Disbursement.** If the Commission finds that an applicant is eligible for USF disbursements, it may issue an order directing the USF to meet between seventy-five percent (75%) and one hundred percent (100%) of the telephone corporation's residual revenue requirement as defined in Section 62-610(4), Idaho Code. See Rule 005.10. Disbursements from the USF shall be made monthly in one twelfth (1/12) of the annual disbursements ordered by the Commission. (4-26-95)

**107. -- 200. (RESERVED)**

#### **TELEPHONE CORPORATIONS' OBLIGATIONS - RULES 201 THROUGH 300**

**201. TELEPHONE CORPORATIONS' MONTHLY REMITTANCES OF USF SURCHARGES (RULE 201).**

**01. Local Exchange Companies.** Unless otherwise provided by order, letter from the Commission Staff or from the USF administrator issued pursuant to Rule 401, all LECs providing local exchange service in Idaho shall remit the following funds to the administrator on or before the first day of the month: (7-1-93)

**a.** The number of local residence lines in service in Idaho on the first day of the preceding month multiplied by the monthly residence surcharge the companies are authorized to impose under Rules 104.03 and 105.01; and (7-1-93)

**b.** The number of local business lines in service in Idaho on the first day of the preceding month multiplied by the monthly business surcharge the companies are authorized to impose under Rules 104.03 and 105.01. The LEC's remittance shall be accompanied by a report on a form supplied by the administrator separately stating the number of local residence and business lines in service in Idaho for that LEC on the first day of the preceding month. This amount shall be remitted to the administrator without regard to whether the local exchange company has separately imposed the surcharge authorized by Rules 104.03 and 105.01. (7-1-93)

**02. MTS/WATS Companies.** Unless otherwise provided by Order of the Commission or letter from the Commission Staff or from the USF administrator issued pursuant to Rule 402, all MTS/WATS companies offering intrastate MTS or WATS services in Idaho shall remit the following funds to the administrator on or before the first day of the month: (7-1-93)

**a.** The number of actual toll minutes billed to customers in Idaho for intrastate MTS/WATS services in the last complete monthly billing cycle billed by the first day of the preceding calendar month multiplied by the surcharge per toll minute that the companies were authorized to impose under Rules 104.04.a and 105.02.a; or, alternatively; (7-1-93)

**b.** The percentage surcharge of revenues from all intrastate MTS/WATS services provided in last complete monthly billing cycle billed by the first day of the preceding calendar month that the companies are authorized to impose under Subsections 104.04.b. and 105.02.b. These MTS/WATS companies' remittances under both a and b of this paragraph shall be accompanied by a report on a form supplied by the administrator separately stating the number of toll minutes billed and the revenues associated with the toll minutes and showing the calculation of the surcharge on those minutes for the period stated in this paragraph. These amounts shall be remitted to the administrator without regard to whether the MTS/WATS company has separately imposed the surcharge authorized by Subsections 104.04 and 105.02. (7-1-93)

**03. Failure to Comply.** A telephone corporation failing to comply with this rule is subject to all sanctions provided by Section 62-620, Idaho Code. (7-1-93)

## **202. TELEPHONE CORPORATIONS' ANNUAL REPORTING TO ADMINISTRATOR (RULE 202).**

**01. Requirement to Report.** Unless otherwise provided by order of the Commission or letter from the Commission Staff or from the USF administrator issued pursuant to Rule 402, on or before May 30 of each year all telephone corporations providing local exchange service or MTS/WATS intrastate service in Idaho shall report to the administrator the information required by these rules. The administrator shall annually supply forms for these reports on or before May 1 to all telephone corporations for which the administrator has records showing that the telephone corporation provides one (1) or more of these services. The administrator's failure to supply forms does not relieve any such telephone corporation of its reporting requirements under these rules and statute. The reports that this rule requires to be filed with the administrator should not be filed with the Commission. (7-1-93)

**02. The Administrator's Compliance Report.** The administrator shall report to the Commission on or before June 15 whether all telephone corporations receiving the forms have complied with the reporting requirements of this Rule 202 and Rules 203 and 204, specifically identifying telephone corporations that have failed to report altogether, those that have incompletely reported, those that have reported late, and those that have failed to remit the monthly surcharges required by Rule 201. The report shall include a summary of the actions taken against the telephone corporations not complying with the USF rules. See Rule 303. (4-26-93)

**03. Failure to Comply.** A telephone corporation failing to comply with this rule is subject to all sanctions provided. (7-1-93)

## **203. LOCAL EXCHANGE COMPANIES' (LECS') ANNUAL REPORTS TO THE ADMINISTRATOR (RULE 203).**

**01. Reporting of One-Party, Single-Line Residence and Business Lines and Rates.** The reports prescribed for LECs by this rule and Rule 202 must include the following information concerning the LEC's customer base and rates for each of the LEC's rate groups as of May 1 of that year: (7-1-93)

**a.** Rates for one-party, single-line, flat-rate residential service (inclusive of mandatory extended area service (EAS) surcharges) and the number of customers subscribing to the service in each rate group, unless exchanges within the rate group have different rates, in which case exchange-by-exchange reporting is required; (7-1-93)

**b.** Rates for one-party, single-line, flat-rate business service (inclusive of mandatory EAS surcharges) and the number of customers subscribing to the service in each rate group, unless exchanges within the rate group have different rates, in which case exchange-by-exchange reporting is required; and (7-1-93)

**c.** The company-wide, weighted average rate for residential and business services described in Rules 203.01.a. and 203.01.b. of this paragraph. Rural zone and mileage charges are excluded from the rates reported in this

paragraph. (7-1-93)

**02. Inventories of Other Local Access Lines.** These reports must also include reporting for each rate group (or exchange if required by Subsection 203.01) the following inventories of customers and public network access lines of other local services as of May 1 of that year: (7-1-93)

- a. Multi-party residence local service; (7-1-93)
- b. Multi-party business local service; (7-1-93)
- c. Semi-public pay telephone service; (7-1-93)
- d. Public access line service for customer-owned pay telephones; (7-1-93)
- e. Centron, centrex or other central-office based telecommunication systems (including only the public network access lines to this kind of equipment, not the number of station lines behind the equipment); and (7-1-93)
- f. Local service trunks for private branch exchanges (PBXs). (7-1-93)

**03. MTS/WATS Actual Access Minutes and Revenues.** These reports must also include the following information: (7-1-93)

- a. Rates for access minutes associated with the provision of MTS/WATS services in effect on May 1 of that year; (7-1-93)
- b. Total minutes and revenues billed for MTS/WATS access services for the preceding calendar year; (7-1-93)
- c. Total revenues that would be obtained by billing the access minutes reported in Rule 203.03.b. at the rates reported in Rule 203.03.a.; and (7-1-93)
- d. Total revenues from billing and collection services for the preceding calendar year. If different exchanges have different rates, each rate must be reported as a separate line item, indicating the exchanges in which service is offered at each rate and total number of minutes billed to service at each rate. In making this report, telephone companies must include revenues associated with sale of intrastate access under feature groups A, B, C and D. (7-1-93)

**04. MTS/WATS Equivalent Access Minutes.** If the LEC provides MTS/WATS services in addition to basic exchange services, these reports must also include a conversion of the LEC's annual billed MTS/WATS minutes into "equivalent access minutes." The method used to convert billed toll minutes into equivalent access minutes must be shown with the number of toll minutes used in the calculation. Actual access minutes reported pursuant to Rule 203.03 of this rule must be separately stated from "equivalent access minutes" reported under this paragraph. The manner in which these data may be filed is shown in Rules 302.03.a. through 302.03.h. (7-1-93)

**204. MTS/WATS COMPANIES' ANNUAL REPORTS TO THE ADMINISTRATOR (RULE 204).** The reports prescribed for telephone corporations offering intrastate MTS or WATS services (including those that are also LECs) by this rule and by Rule 202 must include the following information for the calendar year preceding the year in which the report is due: (7-1-93)

- 01. Total Intrastate MTS Minutes and Revenues.** (7-1-93)
- 02. Total Intrastate WATS Minutes and Revenues.** (7-1-93)

**205. -- 300. (RESERVED)**

**THE ADMINISTRATOR'S OBLIGATIONS - RULES 301 THROUGH 400**

**301. THE ADMINISTRATOR'S QUARTERLY REPORT TO THE COMMISSION (RULE 301).**

On or before the fifteenth day after the close of each quarter, the administrator shall submit a report to the Commission providing the following information: (7-1-93)

**01. List of Companies Receiving Disbursements.** A list of all companies receiving disbursements from the USF during the quarter, the individual disbursements for each company during the quarter, and the total disbursements to companies during the quarter; (7-1-93)

**02. Administrator Fees and Expenses.** The administrator's fees and expenses for the quarter; (4-26-95)

**03. List of Companies Remitting Surcharges.** A list of all companies remitting surcharges to the USF during the quarter, indicating which companies remitted LEC surcharges, which companies remitted MTS/WATS surcharges, and which companies remitted both; (7-1-93)

**04. Aggregate Amount.** The aggregate amount of LEC surcharges remitted to the USF during the quarter, the aggregate amount of MTS/WATS surcharges remitted to the USF during the quarter, and the total of the two (2); (7-1-93)

**05. Interest Earned.** Interest earned during the quarter; and (7-1-93)

**06. Fund Balances.** Beginning, ending and monthly fund balances for the quarter, together with any other information that may be necessary to calculate beginning and ending balances for the quarter. (7-1-93)

**302. THE ADMINISTRATOR'S CALCULATIONS FROM THE ANNUAL REPORTS (RULE 302).**

**01. Weighted Statewide Average Rates for One-Party, Single-Line Residence and Business Services.** From the annual reports provided by LECs pursuant to Rule 203.01, the administrator shall calculate a weighted, state-wide average, one-party, single-line, flat residence rate and a weighted, state-wide average, one-party, single-line, flat business rate, including EAS surcharges. (7-1-93)

**02. Inventory of Local Service Lines.** From the annual reports of LECs provided pursuant to Rule 203.01 and 203.02, the administrator shall calculate the total number of local service lines in Idaho, with subtotals for residence and business service lines and for the categories of lines listed in Rule 203.02. (7-1-93)

**03. Statewide Weighted Average Rate for MTS/WATS Access Minute.** From the annual reports of LECs provided pursuant to Rule 203.03 and 203.04, the administrator shall calculate a statewide weighted average rate per MTS/WATS access minute in the manner shown in the following example

:

<b>Example Using Three Companies</b>				
<b>a.</b>	Actual annual access minutes (as reported under Rule 203.03.b.)	500	500	1,000
<b>b.</b>	Annual pro forma actual access revenues (as reported under Rule 203.03.c.)	\$50	\$40	\$50
<b>c.</b>	Average pro forma revenue per actual access minute (line b/line a)	\$.10/min	\$.08/min	\$.05/min
<b>d.</b>	Calculated equivalent access minutes from MTS/WATS (as reported under Rule 203.04)	0	1,000	2,000
<b>e.</b>	Assigned average revenue (from line c)	\$.10/min	\$.08/min	\$.05/min
<b>f.</b>	Calculated equivalent access revenue (line d x line e)	\$0	\$80	\$100
<b>g.</b>	Total actual and equivalent access minutes (line a + line d)	500	1,500	3,000
<b>h.</b>	Total pro forma and equivalent access revenues (line b + line f)	\$50	\$120	\$150

Example Using Three Companies				
i.	Average revenue per total actual and equivalent access minutes (line h /line g)	\$.10/min	\$.08/min	\$.05/min
j.	All companies' total actual and equivalent access minutes (sum of entries on line g)	---	5,000	---
k.	Company's ratio of total state access minutes (lineg/line j)	.1000	.3000	.6000
l.	All companies' total actual and equivalent access revenues (sum of entries of line H)	---	\$320	---

(7-1-93)

**04. Access.** The figures for access minutes and access revenues on lines a, b and d include all access minutes and all access revenues from any access service reported pursuant to Rule 203.03 or 203.04, and all access under any feature group. (7-1-93)

**303. THE ADMINISTRATOR'S ANNUAL REPORT TO THE COMMISSION (RULE 303).**

**01. The Administrator's Compliance Report.** The administrator shall report to the Commission on or before June 15 whether all telephone corporations receiving the forms have complied with the reporting requirements of this Rule 303 and Rules 202, 203, and 204, specifically identifying telephone corporations that have failed to report altogether, those that have incompletely reported, those that have reported late, and those that have failed to remit the monthly surcharges required by Rule 201. The report shall include a summary of the actions taken against the telephone corporations not complying with the USF rules. (4-26-95)

**02. Report of Existing Conditions.** On or before July 15 of each year the administrator shall submit a report to the Commission providing the following information: (7-1-93)

**a.** Calculations of weighted statewide average rates required by Rule 302, providing workpapers showing each telephone corporation's contributions to the totals and averages contained in the administrator's calculation in Rule 302. (7-1-93)

**b.** Calculations of the USF's expected revenues under the status quo for the twelve (12) months beginning July 1 made by: (7-1-93)

i. Multiplying the existing local surcharge for residence service by the statewide total residence lines as of May 1; (7-1-93)

ii. Multiplying the existing local surcharge for business service by the statewide total business lines as of May 1; (7-1-93)

iii. Multiplying the total MTS/WATS access minutes for the previous calendar year by the existing MTS/WATS surcharge per access minute; and (7-1-93)

iv. Summing the three (3) products. (7-1-93)

**c.** Calculations of the expected revenue requirement of the USF under the status quo for the twelve (12) months beginning July 1 made by listing and summing the annualized rate of disbursement for every telephone corporation for which the Commission has ordered and authorized disbursements from the USF together with the administrator's annual budget for administration of the USF. (7-1-93)

**d.** Calculations of the expected revenue requirement of the USF as described in Rule 303.02.c. assuming that companies revise their rates pursuant to Rule 106.02 to maintain funding eligibility and that their USF funding is adjusted pursuant to Rule 106.04. (4-26-95)

e. Actual USF balances at the end of the quarters ending in June, September and December of the preceding year and of the quarters ending in March and June of the year of the report (or the estimated USF balance for the quarter ending June 30 if actual balances are not yet available). (4-26-95)

**03. Recommendation.** The administrator shall report the USF's expected surplus or deficit for the twelve (12) months beginning July 1 based upon the assumption that the USF surcharges will not be changed. The administrator shall also report whether this surplus or deficit will alter the expected fund balance during the twelve (12) months beginning July 1 following the report significantly enough to recommend that USF surcharges be raised or lowered. If the administrator believes that the USF surcharges should be raised or lowered, the administrator shall recommend a target balance for the USF for the end of the twelve months beginning July 1 following this report and the amount by which USF collections would be increased or decreased beginning October 1 to meet this target. (7-1-93)

**04. Review by Commission Staff.** On or before August 15 the Commission Staff shall review the calculations and recommendations of the administrator and call any errors or omissions to the attention of the administrator and the Commission. (7-1-93)

**05. Report a Public Record--Workpapers Exempted Trade Secrets.** The report of the administrator showing statewide aggregate totals of local service and MTS/WATS revenues, inventories of services, and other information not identifying any telephone corporation or customer is a public record available for inspection, examination and copying under Section 74-102, Idaho Code. The workpapers accompanying the report showing individual telephone corporations' data for Title 62 services and individual telephone corporation's reports to the administrator showing data for Title 62 services, together with any data for Title 61 services protected from disclosure under applicable trade secret law, are trade secrets exempt from disclosure under Section 74-107(1), Idaho Code. (4-5-00)

**304. -- 400. (RESERVED)**

#### **EXEMPTIONS FROM REPORTING AND REMITTANCES - RULES 401 THROUGH 500**

#### **401. LECS' EXEMPTION FROM REPORTING AND REMITTANCES (RULE 401).**

**01. Criteria for Exemption.** Local exchange companies may be exempted from monthly remittances and monthly reporting to the USF administrator under Rule 201 by order of the Commission or letter from the Commission Staff or from the USF administrator upon the grounds that the LEC provides such a small number of local service lines in Idaho and generates such a small monthly surcharge that neither the practical administration of the USF nor the public interest requires monthly remittances and reporting. (7-1-93)

**02. Action on Requests.** The order or letter excusing the LEC from monthly reporting shall specify quarterly, semiannual or annual remittances and reporting instead. The order or letter may be issued upon request of the LEC or upon the initiative of the Commission, the Commission Staff, or the USF administrator without a request from the LEC. No LEC will be excused from making remittances less often than annually nor from annual reporting under Rules 202 and 203. (7-1-93)

**03. Requests of Exemptions.** This Commission Staff shall maintain a file of all exemptions under this rule and supply a copy to the Commission Secretary and to the USF administrator. (7-1-93)

**04. Petition From Initial Denial by Commission Staff or Administrator.** If a request for a LEC's exemption is denied by the Commission Staff or the Administrator, the LEC may petition the Commission. (7-1-93)

#### **402. MTS/WATS COMPANIES -- RESELLERS' EXEMPTION FROM REPORTING AND REMITTANCES (RULE 402).**

**01. Criterion for Exemption.** MTS/WATS companies may be exempted from monthly remittances and monthly reporting to the USF administrator under Rule 201 by Order of the Commission or letter from the

Commission Staff or from the USF administrator upon the grounds that the MTS/WATS company is exclusively a reseller of MTS/WATS services from another MTS/WATS company that is already remitting the surcharge prescribed for MTS/WATS services for all of the reselling MTS/WATS company's MTS/WATS minutes. (7-1-93)

**02. Requirements of Request for Exemption.** No exemption will be given under this rule unless the reselling MTS/WATS company has requested an exemption in writing. The request for exemption shall be directed to the Commission Secretary (or if received by the administrator or a member of the Commission Staff forwarded to the Commission Secretary). The request for exemption must state that the MTS/WATS company is seeking a reseller's exemption, must name the reseller's underlying MTS/WATS carrier, must certify that the named underlying carrier carries all of the reseller's traffic in Idaho, and must be accompanied by a letter from the underlying carrier stating that the reselling carrier requesting the exemption is a customer of the underlying carrier, that the underlying carrier is remitting the surcharge to the USF for all minutes sold to the reselling carrier, and that the reseller will notify the Commission whenever one of its underlying carriers changes. (7-1-93)

**03. Action on Requests.** The Commission Staff or the USF administrator may grant a reseller an exemption from monthly remittances of USF surcharges and from monthly reporting of MTS/WATS use if the reseller has shown that another MTS/WATS company is remitting the surcharge for all of the reseller's minutes. The exemption shall require the reseller to report to the Commission Staff whenever it changes its underlying carrier. The exemption ordinarily excuses the reseller from annual reporting under Rules 202 and 203, but does not exempt the reseller from annual recertification upon request of the Commission Staff or the administrator of its continuing status as a reseller. However, the Commission Staff or the administrator may require an exempt reseller to file an annual report upon written notification that the Commission Staff or administrator requires an annual report for that year. (7-1-93)

**04. File of Exemptions.** The Commission Staff shall maintain a file of all exemptions under this rule and supply a copy to the Commission Secretary and to the USF administrator. (7-1-93)

**05. Petition From Initial Denial by the Commission Staff or Administrator.** If a request for a reseller's exemption is denied by the Commission or the Commission Staff or the Administrator, the company may petition to the Commission. The petition must contain a description of the telephone company's network connections. (7-1-93)

**403. -- 999. (RESERVED)**

**IDAPA 31  
TITLE 46  
CHAPTER 02**

**31.46.02 – RULES FOR TELECOMMUNICATIONS RELAY SERVICES (TRS)**

**000. LEGAL AUTHORITY (RULE 0).**

These rules are adopted under the general legal authority of Chapter 13, Title 62, Idaho Code, and the specific authority of Section 61-1306, Idaho Code. (7-1-93)

**001. TITLE AND SCOPE (RULE 1).**

The name of this chapter is “Rules for Telecommunications Relay Services (TRS).” This chapter has the following scope: It governs provision of telecommunications relay services (TRS) in Idaho. (7-1-93)

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (6-30-19)T

**003. ADMINISTRATIVE APPEALS (RULE 3).**

Any telephone corporation aggrieved by any decision of the Universal Service Fund Administrator, the Telecommunications Relay System Administrator, or the Commission Staff that affects any of the telephone corporation’s interests under these rules may petition the Commission to review the decision of the Universal Service Fund Administrator, the Telecommunications Relay System Administrator, or the Commission Staff by filing a formal petition according to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

**004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).**

Subsection 205.05 details which papers filed in connection with the administration of the Telecommunications Relay Service Fund are public records and which are trade secrets exempt from disclosure under Section 74-107(1), Idaho Code. (4-5-00)

**005. DEFINITIONS (RULE 5).**

As used in these rules: (7-1-93)

**01. Administrator.** “Administrator” means the person with whom the Idaho Public Utilities Commission contracts to administer the program for delivery of telecommunications relay services. See Section 61-1302(1), Idaho Code. (7-1-93)

**02. American Sign Language (ASL).** “American sign language” means a visual language based on hand shape, position, movement, and orientation of the hands in relation to each other and the body. See 47 C.F.R. 64.601(1). (7-1-93)

**03. ASCII.** “ASCII” is an acronym for American Standard Code for Information Interexchange, which employs an eight-bit code and can operate at any standard transmission baud rate including 300, 1200, 2400, and higher. See 47 C.F.R. 64.601(2). (7-1-93)

**04. Baudot.** “Baudot” means a seven (7) bit code, only five (5) of which are information bits. Baudot was used by some text telephones to communicate with each other at a forty-five point five (45.5) baud rate. See 47 C.F.R. 64.601(3). (7-1-93)

**05. Communications Assistant (CA).** “Communications assistant (CA)” means a person who transliterates conversation from text to voice and from voice to text between two (2) end users of TRS. CAs are also known by terms such as “TRS operator” or “TDD operator.” See 47 C.F.R. 64.601(5). (7-1-93)

**06. Communications Impaired.** “Communications impaired” means individuals who are hearing-impaired or speech-impaired as defined in Title IV, Section 401, Americans with Disabilities Act of 1990, Public Law 101-336, 47 U.S.C. 225, or regulations promulgated pursuant to that Act, in particular, 47 C.F.R. 64.601 et seq. See Section 61-1302(3), Idaho Code. (7-1-93)

**07. Hearing Carry Over (HCO).** “Hearing carry over (HCO)” means a reduced form of TRS where the person with a speech disability is able to listen to the other end user and, in reply, the CA speaks the text as typed by the person with the speech disability. The CA does not type any conversation. See 47 C.F.R. 64.601(6). (7-1-93)

**08. Local Exchange Company.** “Local exchange company” means a telephone corporation that provides access lines to residential and business customers with the associated transmission of two-way interactive switched voice communication within a geographic area where basic local exchange rates rather than message telecommunications service rates apply. See Section 61-1302(4), Idaho Code. (7-1-93)

**09. Message Telecommunications Service (MTS).** “Message telecommunications service (MTS)” means the transmission of two-way interactive switched voice communication between local exchange areas for which charges are made on a per-unit basis, not including Wide Area Telecommunications Service (WATS) (or its equivalent) or individually negotiated contracts for telecommunication services. See Section 62-603(6), Idaho Code, as adopted by reference in Section 61-1302(5), Idaho Code. (7-1-93)

**10. Program.** “Program” means the effort directed by the administrator to establish and operate an Idaho system to provide telecommunications relay services. See Section 61-1302(5), Idaho Code. (7-1-93)

**11. Telephone Corporation.** “Telephone corporation” means every corporation or person, their lessees, trustees, or receivers appointed by any court whatsoever, providing telecommunication services for compensation within this State, except telephone corporations solely providing radio paging, mobile radio telecommunications services, answering services (including computerized or otherwise automated answering or voice message services), or one-way transmission to subscribers of video programming, or other programming service, and subscriber interaction, if any, that is required for the selection of video programming or other programming service. See Section 62-603(14), Idaho Code, as adopted by reference in Section 61-1302(7), Idaho Code. (3-29-17)

**12. Telecommunications Relay Services (TRS).** “Telecommunications relay services (TRS)” mean services through which a communications-impaired person, using specialized telecommunications equipment, may send and receive messages to and from a non-communications-impaired person whose telephone is not equipped with specialized telecommunications equipment and through which a non-communications-impaired person may, by using voice communication, send and receive messages to and from a communications-impaired person. This term includes services that enable two-way communication between an individual who uses a text telephone or other non-voice terminal device and an individual who does not use such a device. TRS supersedes the terms “dual party relay system,” “message relay services,” and “TDD relay.” See Section 61-1302(8), Idaho Code, and 47 C.F.R. 64.601(7). (7-1-93)

**13. Text Telephone (TT).** “Text telephone (TT)” means a machine that employs graphic communication in the transmission of coded signals through a wire or radio communications system. TT supersedes the term “TDD” or “telecommunications device for the deaf.” See 47 C.F.R. 64.601(a). (7-1-93)

**14. Universal Service Fund (USF).** “Universal service fund (USF)” means the fund established by the Commission pursuant to Section 62-610, Idaho Code, and this Commission’s rules codified at IDAPA 31.46.01.000, et seq. The USF has an administrator whose duties are set forth by this Commission’s rules and this Commission’s contract with the administrator. See IDAPA 31.46.01.102. (7-1-93)

**15. Voice Carry Over (VCO).** “Voice carry over (VCO)” means a reduced form of TRS where the person with the hearing disability is able to speak directly to the other end-user. The CA types responses back to the person with the hearing disability. The CA does not speak on behalf of the TT users. See 47 C.F.R. 64.601(9). (7-1-93)

**006. -- 100. (RESERVED)**

**THE TRS PROGRAM, ADMINISTRATOR, AND PROVIDER - RULES 101 THROUGH 200**

**101. REQUIREMENTS OF THE TRS PROGRAM (RULE 101).**

**01. Operational Requirements.** State or federal law imposes the following operational requirements upon a TRS provider: (7-1-93)

**a.** TRS must be provided twenty-four (24) hours per day, seven (7) days per week, every day of the year. See 47 U.S.C. 225(d)(1)(C); 47 C.F.R. 64.604(b)(4); Section 61-1303(2)(a), Idaho Code. (7-1-93)

**b.** The TRS provider shall not refuse calls or limit the length of calls using TRS, except that providers of TRS may decline to complete a call because credit authorization has been denied. See 47 U.S.C. 225(d)(1)(E); 47 C.F.R. 64.604(a)(3). (7-1-93)

**c.** The TRS provider must be capable of communicating with text telephone users using either the ASCII or Baudot format, at any speed generally in use. See 47 C.F.R. 64.604(b)(1). (7-1-93)

**d.** Except during network failure, the TRS provider shall answer eighty-five percent (85%) of all calls within ten (10) seconds, and no more than thirty (30) seconds shall elapse between receipt of dialing information and the dialing of a requested number. The TRS provider shall include adequate staffing to provide callers with efficient access under projected calling volumes so that the probability of a busy response due to unavailability of communications assistants will be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network. See 47 C.F.R. 64.604(b)(2). (7-1-93)

**e.** The TRS provider shall give TRS users access through the TRS to their chosen inter-exchange carrier and to all other operator services to the same extent that such access is provided to voice users. See 47 C.F.R. 64.604(b)(3). (3-29-17)

**02. Communications Assistants' Handling of Calls.** TRS providers must require that communications assistants (CAs) be sufficiently trained to effectively meet the specialized communication needs of individuals with hearing and speech disabilities and that communications assistants have competent skills in typing, grammar, spelling, interpretation of typewritten ASL, and familiarity with hearing and speech disability cultures, languages and etiquette. Communications assistants are prohibited from disclosing the content of any relayed conversation regardless of content and from keeping records of the content of any conversation beyond the duration of a call. Communications assistants are prohibited from intentionally altering a relayed conversation and must relay all conversations verbatim unless the relay user specifically requests summarization. Communications assistants must relay all messages promptly and accurately. See 47 U.S.C. 225(d)(1)(F), -(G); 47 C.F.R. 64.604(a)(1), -(2); Section 61-1303(2)(b), and -(c), Idaho Code. (7-1-93)

**03. Rates.** The users of TRS shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from point of origination to the point of termination. In particular, this means that when a telephone call from one customer to another would not incur long-distance charges if the call were placed directly without use of the TRS system, then there will be no long-distance charge for that call when the TRS system is used, even if the TRS provider is located in a telephone exchange that would ordinarily require a long-distance call to reach the calling or answering party. See 47 U.S.C. 225(d)(1)(D); 47 C.F.R. 64.604(c)(3). (7-1-93)

**04. Other Standards and Services.** The standards and services required for TRS providers by this rule are minimum standards and services. The request for proposal for TRS services may require additional standards or services, or if the request for proposals does not, the selection of the TRS provider may take into account the ability of the TRS provider to meet standards or provide services in addition to the minimum standards or services required by this rule. (7-1-93)

**102. TRS ADMINISTRATOR (RULE 102).**

**01. Appointment and Contract.** The Commission shall appoint and contract with a qualified person to administer the TRS program in accordance with the requirements of state and federal law. The TRS administrator is not an employee or officer of the state of Idaho, but is instead an independent contractor. The appointment and contract shall be for fixed terms, but the Commission may renew terms of appointment or contract. (7-1-93)

- 02. Duties and Responsibilities of Administrator.** The Administrator shall: (7-1-93)
- a.** Consult with and receive recommendations from a telephone industry technical advisory committee (or its representatives) appointed by the Commission; (7-1-93)
  - b.** Post a fidelity bond in the amount required by the contract with the Commission; (7-1-93)
  - c.** Meet timetables necessary to secure certification of the TRS program by the Federal Communications Commission; (7-1-93)
  - d.** Issue (upon such terms as the Commission finds reasonable) a request for proposals to providers of message relay services requesting responsive proposals to provide such services that may be necessary for the program; (7-1-93)
  - e.** Evaluate responsive proposals to offer TRS services and recommend one (1) or more proposals to the Commission for its review and approval; (7-1-93)
  - f.** Enter into a contract with the provider of TRS, which contract and provider have been approved by the Commission; (7-1-93)
  - g.** Consult with the Idaho State Council for the Deaf and Hard of Hearing and the Idaho State Council on Developmental Disabilities concerning program design and delivery of message relay services to communications-impaired persons within the state of Idaho; and (7-1-93)
  - h.** Perform other services concerning the program as may be deemed reasonable and necessary by the Commission or required by the Commission in its contract with the TRS administrator. (7-1-93)

**03. Contributions, Gifts and Grants.** The administrator may receive contributions, gifts and grants on behalf of and in aid of the TRS program. The contributions, gifts and grants shall be deposited in the Idaho Telecommunications Relay Services Fund. (7-1-93)

**103. ESTABLISHMENT OF TELEPHONE INDUSTRY ADVISORY COMMITTEE (RULE 103).**

- 01. Establishment of Committee.** The Commission hereby establishes a telephone industry advisory committee with which the administrator shall consult in the assessment of responses to the RFP, and review the services provided. The industry committee shall have three (3) members, who shall be representatives of: (3-29-17)
- a.** A large provider of local exchange and intraLATA MTS services in Idaho; (3-29-17)
  - b.** An independent telephone company providing local exchange services and a member of the Idaho Telephone Association (the trade group that includes independent telephone companies in Idaho); and (3-29-17)
  - c.** The Idaho State Council for the Deaf and Hard of Hearing, or the State Council on Developmental Disabilities. (3-29-17)

**104. CONSULTATION WITH REPRESENTATIVES OF THE HEARING-IMPAIRED AND THE SPEECH-IMPAIRED (RULE 104).**

It shall be the duty of the administrator to consult with representatives of the Idaho State Council for the Deaf and Hard of Hearing and of the Idaho State Council on Developmental Disabilities. (3-29-17)

**105. REQUEST FOR PROPOSALS (RFP) -- SELECTION OF TRS PROVIDER (RULE 105).**

- 01. Formulation of RFP and Submission to the Commission.** The administrator, shall formulate and submit a request for proposals (RFP) for the provision of TRS to the Commission. The Commission shall review the RFP and return it to the administrator, with comments or changes that Commission finds appropriate, and direct the administrator to issue the RFP. (3-29-17)

**02. Requirements of the RFP.** The RFP issued by the administrator must request all companies responding to the RFP to comply with all requirements of state and federal law. See Rule 101. In addition, the RFP may require those responding to the RFP to meet additional requirements contained in the RFP or ask those responding to list additional standards they could meet or additional services that they could provide above the minimums required by state and federal law. (7-1-93)

**03. Timetable for Decision.** The administrator shall develop a timetable for formulation of the RFP, its review by the Commission, advertisement of the RFP for response, review of proposals submitted in response to the RFP, and final decision selecting a TRS provider that will complete the process of selection of the TRS provider in sufficient time to maintain uninterrupted relay services. (3-29-17)

**106. STATE CERTIFICATION (RULE 106).**

The administrator shall submit a report to the Idaho Public Utilities Commission, to the Idaho State Council for the Deaf and Hard of Hearing, and to the Idaho State Council on Developmental Disabilities as necessary so that the Commission may file the necessary document with the Federal Communications Commission on or before October 1, 1992, requesting certification of the Idaho TRS in order to allow any Idaho intrastate telephone corporation to comply with its obligations under federal law to provide TRS by contracting with the Idaho TRS provider. (3-29-17)

**107. RESOLUTION OF COMPLAINTS (RULE 107).**

The Idaho Public Utilities Commission hereby offers itself as a forum for resolution of customer complaints regarding TRS provided for Idaho intrastate services. Complaints can be filed and handled informally under Rules 401 et seq. of the Telephone Customer Relations Rules, IDAPA 31.41.01.400 et seq., or formally under the Commission's Rules of Practice and Procedure, IDAPA 31.01.01.000 et seq. The Commission commits to process these complaints within the one hundred eighty (180) day timetable set forth in 47 C.F.R. 64.604(c)(5)(i). (7-1-93)

**108. -- 200. (RESERVED)**

**TELECOMMUNICATIONS RELAY SERVICES FUND - RULES 201 THROUGH 300**

**201. TELECOMMUNICATIONS RELAY SERVICES (TRS) FUND -- ESTABLISHMENT AND PURPOSE (RULE 201).**

Section 61-1304, Idaho Code, directs the TRS administrator to establish a fund (the telecommunications relay services fund, or TRS fund) for the provision of telecommunications relay services. The TRS administrator is directed to deposit the fund in a depository approved by the Commission and to credit to that fund all monetary contributions, gifts and grants received by the administrator and all charges billed and collected pursuant to Section 61-1305, Idaho Code, and these rules. No funds derived from monies billed and collected from telephone corporations pursuant to Section 61-1305, Idaho Code, and these rules shall be used for the acquisition of end-user text telephones. All monies deposited in the TRS fund shall be spent for the purpose of defraying the expenses, debts and costs incurred in carrying out the provisions of the TRS program, or for defraying administrative expenses of the administrator, including necessary expenses for consultants to the administrator, expenses for travel, supplies and equipment and other expenses of the administrator necessary for the implementation of the TRS program. All monies credited to the TRS fund may be spent by the administrator at such times and in such manner as authorized by this Commission's rules, orders or contract with the administrator. (7-1-93)

**202. THE COMMISSION'S DETERMINATION OF FUNDING LEVELS (RULE 202).**

**01. Issuance of Commission Order.** On or before March 1 of each succeeding year, the Commission shall issue an order in response to the administrator's annual report that will establish funding levels to be in effect for the twelve months beginning April 1 following issuance of the order. The Commission may issue an order revising funding levels at other times in order to preserve the integrity of the fund. (3-29-17)

**02. Findings and Directives of the Order Prescribing Funding Levels.** All orders prescribing funding levels issued pursuant to Rule 202.01 shall contain the following: (7-1-93)

**a.** The Commission's finding of the funding target for the TRS program for the twelve (12) months beginning April 1 (or other appropriate time, if the order is not issued to be in effect for twelve (12) months beginning April 1), based upon anticipated expenses of operation of the TRS program for those twelve (12) months and prudent management of minimum fund balances; and (7-1-93)

**b.** The Commission's findings of the fair, just and reasonable allocations of the twelve (12) month funding target that will come from telephone corporations providing local exchange service and that will come from telephone corporations providing MTS/WATS services, respectively. (7-1-93)

**03. Calculation of Funding Levels.** Telephone corporations providing local exchange service in Idaho and telephone corporations providing intrastate MTS/WATS services in Idaho must contribute to the TRS fund as follows: (7-1-93)

**a.** Each telephone corporation providing local exchange service in Idaho shall file a monthly report, due on or before the first of each month, stating the number of local access lines it has for that month. The data used to determine a local exchange company's number of local access lines shall be the same as that used for monthly reporting to the administrator of the Universal Service Fund (USF) for the monthly USF report. See USF Rule 201.01, IDAPA 31.46.01.201.01. (7-1-93)

**b.** Each telephone corporation providing intrastate MTS/WATS service in Idaho is required to contribute to TRS funding in proportion to the number of its intrastate MTS/WATS billed minutes, provided that those telephone corporations providing intrastate MTS/WATS service in Idaho that use the services of another telephone corporation for the actual transportation of calls and that have been granted exemptions from contributions to the Universal Service Fund by the Commission, the USF administrator, or the Commission staff are also granted exemptions from contributions to the TRS fund by operation of this rule. The USF administrator shall provide the TRS administrator with a list of all telephone corporations exempted from contributing to the USF and all changes to that list whenever they are made. The data determining an MTS/WATS company's number of intrastate MTS/WATS billed minutes for a given monthly report due on or before the first of the month shall be the same provided to the administrator of the Universal Service Fund (USF) for the USF report also due on or before the first of that month. See USF Rule 201.02, IDAPA 31.46.02.201.02. (7-1-93)

**203. TELEPHONE CORPORATIONS' MONTHLY REMITTANCES TO THE TRS ADMINISTRATOR (RULE 203).**

Unless otherwise provided by order of the Commission or written exemption of the USF administrator or the Commission staff, on or before the first day of each month, all local exchange companies providing local exchange service in Idaho shall remit to the TRS administrator the funds due under the Commission's order issued pursuant to Rule 202. Unless otherwise provided by order of the Commission or written exemption of the USF administrator or the Commission staff, on or before the first day of each month all MTS/WATS companies providing intrastate MTS/WATS services shall remit to the administrator the funds due under the Commission's order issued pursuant to Rule 202. (7-1-93)

**204. THE ADMINISTRATOR'S QUARTERLY REPORT TO THE COMMISSION (RULE 204).**

On or before the fifteenth day after the close of each quarter, the administrator shall submit a report to the Commission providing the following information: (7-1-93)

**01. Administrator's Disbursements.** The administrator's disbursements to the TRS provider for the quarter. (7-1-93)

**02. Administrator's Fees.** The administrator's fees for the quarter. (7-1-93)

**03. List of All Companies.** A list of all companies remitting monies to the TRS fund during the quarter, indicating which companies have remitted funds for their provision of local exchange service, which companies have remitted funds for their provision of MTS/WATS services, and which companies have remitted both. (7-1-93)

**04. Total Amounts Remitted.** The total amounts remitted to the TRS fund by local exchange companies during the quarter, the total amounts remitted by MTS/WATS companies during the quarter, and the sum

of the two; (7-1-93)

**05. Total Number of Local Calls.** The total number of local calls handled by the TRS provider during the quarter, the total number of intrastate and interstate calls handled by the TRS provider during the quarter (keeping separate totals for each), and the total number of intrastate and interstate MTS/WATS minutes billed by the TRS provider during the quarter (keeping separate totals for each); (7-1-93)

**06. Interest, Contributions and Other Income.** Interest earned during the quarter, contributions received during the quarter, and any other income for the quarter; and (7-1-93)

**07. Fund Balances for the Quarter.** Beginning, ending and monthly fund balances for the quarter, together with any information that may be necessary to calculate beginning and ending balances for the quarter. (7-1-93)

**205. THE ADMINISTRATOR'S ANNUAL REPORT TO THE COMMISSION (RULE 205).**

**01. Report of Existing Financial Conditions.** On or before February 15 of each year, the administrator shall submit a report to the Commission providing the following information: (3-29-17)

**a.** A statement of the TRS fund's income in the previous calendar year from remittances by local exchange companies and from remittances by MTS/WATS companies, and the total, and a statement of all other income (including interest), gifts, contributions, etc., for the calendar year; (7-1-93)

**b.** Actual TRS fund balances at the end of the quarters ending in March, June, September and December of the preceding calendar year; and (7-1-93)

**c.** The statewide line count for local service lines on January 1 of that year and January 1 of the previous year, and the total number of MTS/WATS minutes reported to the TRS administrator for the year ending the previous December 31 and the year ending the December 31 before that. (3-29-17)

**02. Report on Use of the TRS Program.** The administrator shall also report, based upon information to be supplied by the TRS provider, upon use of the TRS program in the previous calendar year. The administrator's contract with the TRS provider shall require appropriate data collection by the TRS provider, including, but not limited to, the number of calls handled by the provider, with breakdown showing whether the calls are local or MTS, intrastate or interstate MTS, total intrastate and interstate MTS minutes, the hours when calls are made (e.g., from 8 a.m. to 5 p.m., from 5 p.m. to 11 p.m., from 11 p.m. to 8 a.m.), days of the week when calls are made, and patterns of increased or decreased usage of the TRS program from month to month for the previous calendar year. The TRS provider shall provide this information by month to the TRS administrator on dates to be specified by the administrator. (7-1-93)

**03. Recommendation.** The administrator shall report the TRS fund's expected surplus or deficit for the twelve months beginning April 1 based upon the assumption that the TRS funding levels will not change. The administrator shall also report whether this surplus or deficit will alter the expected fund balance during the twelve (12) months beginning April 1 following the report significantly enough to recommend that TRS funding levels be increased or decreased. If the administrator believes that the TRS funding levels should be increased or decreased, the administrator shall recommend a target balance for the TRS fund for the end of the twelve (12) months beginning April 1 following this report and the amount by which TRS fund remittances should be increased or decreased beginning April 1 to meet this target. (7-1-93)

**04. Review by Commission Staff.** On or before March 1 the Commission Staff shall review the calculations and recommendations of the administrator and call any errors or omissions to the attention of the administrator and the Commission. (7-1-93)

**05. Report a Public Record -- Workpapers Exempted Trade Secrets.** The report of the administrator showing statewide totals for local service and MTS/WATS minutes, inventories of service lines, and other information not identifying a telephone corporation or a customer is a public record available for inspection, examination and copying under Section 74-102, Idaho Code. Workpapers accompanying the report (including those

produced by the USF administrator) showing individual telephone corporation's data for Title 62 services and individual telephone corporation's reports to the TRS or USF administrators showing data for their Title 62 services, together with any data for Title 61 services protected from disclosure under applicable Trade Secret Law, are trade secrets exempt from disclosure under Section 74-107(1), Idaho Code. (7-1-93)

**206. -- 300. (RESERVED)**

**PARTICIPATION IN THE TRS PROGRAM - RULES 301 THROUGH 400**

**301. PARTICIPATION IN PROGRAM (RULE 301).**

All telephone corporations providing local exchange service within the state of Idaho and all telephone corporations providing intrastate message telecommunications service (MTS) within the state of Idaho, including those otherwise exempt from the jurisdiction of the Commission pursuant to Section 61-104, Idaho Code, and those providing local exchange service or MTS/WATS pursuant to the Telecommunications Act of 1988, Sections 62-601 et seq., Idaho Code, are required to participate in the TRS program and to contribute to the TRS fund under these rules, except as provided by Rules 203 and 302. (7-1-93)

**302. EXEMPTION FROM TRS PARTICIPATION AND FUNDING (RULE 302).**

The Commission may permit a telephone corporation that provides local exchange service in Idaho or intrastate MTS/WATS service in Idaho to provide TRS to its customers through a TRS provider other than the provider selected by the Commission and may waive the telephone corporation's obligation to participate in the program and to fund the program if the Commission finds, upon application by the telephone corporation, that: (7-1-93)

**01. ADA.** The telephone corporation will meet its obligation to its Idaho customers in accordance with the standards set forth in the Americans with Disabilities Act. (7-1-93)

**02. TRS Program.** The operation or provision of TRS under the program approved by the Commission will not be substantially impaired if that telephone corporation does not participate in or fund the TRS program. (7-1-93)

**303. -- 999. (RESERVED)**

**IDAPA 31  
TITLE 51  
CHAPTER 01**

**31.51.01 – OPERATOR SERVICE AND PAY TELEPHONE RULES**

**000. LEGAL AUTHORITY (RULE 0).**

These rules are adopted under the general legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and the Telecommunications Act of 1988, Chapter 6, Title 62, Idaho Code, and the specific authority of Sections 61-129, 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, 62-606, 62-612, and 62-616, Idaho Code, with regard to service. (3-15-02)

**001. TITLE AND SCOPE (RULE 1).**

The name of this chapter is “Operator Service and Pay Telephone Rules.” This chapter applies to all provisions of operator services and pay telephone services in Idaho. (7-1-93)

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (6-30-19)T

**003. ADMINISTRATIVE APPEALS (RULE 3).**

This rule governs consideration of exemptions and complaints under these rules. Any person requesting and receiving an informal Commission Staff determination with regard to an exemption or complaint may formally or informally request the Commission to review the Commission Staff’s determination. (7-1-93)

**01. Exemptions from Rules.** This subsection governs procedure for requests for exemptions from these rules. (7-1-93)

**a.** Any operator service provider (“OSP”), payphone service provider (“PSP”), telephone company, or customer may informally request an exemption from any provision of these rules for a specific person or persons by writing the Commission’s consumer assistance staff at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074, or by telephoning the Commission’s Consumer Assistance Staff at 334-0369 (Boise area) or 1 (800) 432-0369 (out of Boise calling area). Any such person may in writing or by telephone request the Commissioners to informally or formally review the Staff’s decision. (3-15-02)

**b.** Any OSP, PSP, telephone company, or customer may formally petition the Commission for an exemption pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (3-15-02)

**c.** Any OSP, PSP, or telephone company requesting an exemption for all of its customers must formally petition the Commission pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. (3-15-02)

**02. Complaints.** Any OSP, PSP, telephone company, or customer may file complaints under these rules. This paragraph governs procedure for filing complaints under these rules. (3-15-02)

**a.** Any OSP, PSP, telephone company, or customer may file an informal complaint under any provision of these rules concerning a specific provider, company or customer by writing the Commission’s consumer assistance staff at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074, or by telephoning the Commission’s Consumer Assistance Staff at 334-0369 (Boise area) or 1 (800) 432-0369 (out of Boise calling area). Any such person may in writing or by telephone request the Commissioners to informally or formally review the Staff’s decision. (3-15-02)

**b.** Any OSP, PSP, telephone company, or customer may file a formal complaint under these rules with the Commission pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. (3-15-02)

**004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).**

All requests for waivers of these rules are public records subject to inspection, examination and copying under the Public Records Act. All informal complaints concerning compliance with these rules are investigatory records

exempt from disclosure under the Public Records Act. All formal complaints concerning telephone companies' compliance with these rules are public records subject to inspection, examination and copying under the Public Records Act. (7-1-93)

**005. DEFINITIONS (RULE 5).**

**01. Fax Machine/Pay Telephone.** "Fax Machine/Pay Telephone" means a facsimile (fax) machine which permits pay telephone service only in conjunction with the use of the fax machine and does not generate a separate charge for the telephone call. The transmission of a fax document is not considered to be a Pay Telephone service under these rules. (3-15-02)

**02. Local Exchange Company ("LEC").** A "LEC" is the telephone corporation (if any) providing local exchange service to an OSP customer's telephones or to a pay telephone. (3-15-02)

**03. MTS Company or Interexchange Carrier.** "MTS company" or "interexchange carrier" means a telephone company providing MTS service. (7-1-93)

**04. Message Telecommunications Service ("MTS").** "MTS" (commonly known as "long-distance service") means the transmission of two (2) way interactive switched voice communication between local exchange areas for which charges are made on a per-unit basis and wide area telecommunications service ("WATS") or its equivalent. (3-15-02)

**05. Operator and Directory Assistance Services.** "Operator and directory assistance services (or operator services)" are any telecommunications services that include, as a component, any automatic or live assistance to a telephone caller to arrange for billing or completion, or both, of a telephone call. They include, but are not limited to, intercept, call completion and assistance, and directory assistance services, whether local, MTS, or both. (7-1-93)

**06. Operator Service Provider ("OSP").** An "OSP" is a company that furnishes various automated or live operator or directory assistance services. OSPs may contract with call aggregators (e.g., hotels, motels, hospitals, colleges, airports, PSPs) that collect and route calls made by telephone callers to the OSP. OSPs may lease telephone lines that transmit the telephone user's call from the call aggregator to the OSP's facilities. OSPs furnish operator services such as collect, person-to-person, third-party billed and calling card calls. (3-15-02)

**07. OSP Customer.** "OSP customer" is a call aggregator i.e., any person not an institution of confinement as defined in Rule 300 who, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises for telephone calls using a provider of operator services. Hotels, motels, hospitals, colleges, airports, and PSP owners that collect and route calls by telephone callers to an OSP and that contract with an OSP or receive operator services from a LEC are examples of call aggregators and OSP customers. OSP customers own or exercise control over telephone instruments. (3-15-02)

**08. Pay Telephone.** "Pay Telephone or payphone" means a telephone instrument that requires coin, collect, third-party billing or credit/calling cards in order to complete local or toll calls, including fax machines that can be used to complete standard, non-fax related local and long distance calls for which there is a separate charge. A pay telephone made available to inmates of an institution of confinement as defined in Rule 300 is not included in this definition of "Pay Telephone." (3-15-02)

**09. Payphone Service Provider.** Payphone Service Provider ("PSP") is a provider who provides public pay telephones, the provision of inmate telephone service in correctional institutions, and any ancillary services. (3-15-02)

**10. Public Access Line.** Public Access Line ("PAL") is a line that is tariffed to be attached to a payphone. (3-15-02)

**11. Telephone Caller.** "Telephone caller" or "telephone user" is a person (other than a person calling from an institution of confinement as defined in Rule 300) who originates or attempts to originate any telephone call using operator services or from a pay telephone. (7-1-93)

**12. Ten 14X Zero Plus (101XXXX 0+).** “101XXXX 0+” represents the digits dialed by a caller to access the carrier of the caller’s choice for a collect, credit card, calling card, debit card or other means of non-sent paid call. (3-15-02)

**13. (800) or Toll Free Service.** 800 or toll free service includes service that is accessed by dialing 800, 888, 877 or any other three (3) digit NPA code reserved for such service by the Federal Communications Commission. (3-15-02)

**006. -- 007. (RESERVED)**

**008. INCORPORATION BY REFERENCE – UNITED STATES CODE AND CODE OF FEDERAL REGULATIONS (RULE 8).**

These Rules in scattered sections incorporate by reference specific sections of the United States Code and federal regulations issued by the Federal Communications Commission. See Title III of the Americans with Disabilities Act 42 U.S.C. Section 12181 through 12189 (September 22, 2000); Telecommunications for the Disabled Act of 1982, Pub.l. 97-410, 96 Stat. 2043 (January 3, 1983); 28 C.F.R Part 36 (October 1, 2000); 47 C.F.R Parts 68.1 through 68.318 (October 1, 2000); and the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities 36 C.F.R Part 1191, Appendix A, Sections 4.1.3(17), 4.31.1-4.31.9 (July 1, 2000). The incorporated regulations are found in the Code of Federal Regulations available from the U.S. Government Printing Office, Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954. The incorporated federal materials are also available at <http://www.naruc.org>. Incorporated materials are also available for inspection and copying at the offices of the Public Utilities Commission and the Idaho State Law Library. (3-15-02)

**009. -- 100. (RESERVED)**

**OPERATOR SERVICE PROVIDERS (OSPS) - RULES 101 THROUGH 200**

**101. INFORMATION TO BE DISPLAYED (RULE 101).**

Pay telephones owned or controlled by an OSP customer must inform the telephone caller that the telephone is connected to an OSP. The following information must be displayed on or posted in proximity to the instrument: (3-15-02)

**01. Name, Address, and Toll-Free Telephone Number of the OSP.** (7-1-93)

**02. No-Cost Procedures.** No-cost procedure for: (7-1-93)

**a.** Reporting of service difficulties; (7-1-93)

**b.** Making billing inquiries; (7-1-93)

**c.** Obtaining the total rates and charges (including surcharges) to be billed by OSPs and MTS companies for the call; and (7-1-93)

**d.** Any charges imposed by the OSP customer for the call; (7-1-93)

**03. Instructions.** Dialing instructions, including instructions for reaching the local exchange company operator if the OSP is not the local exchange company. (7-1-93)

**04. Written Disclosure.** Written disclosure that consumers have a right to obtain access to the MTS company of their choice and may contact their preferred MTS companies for information on accessing that MTS company’s service using that telephone. (7-1-93)

**102. EMERGENCY ACCESS REQUIRED (RULE 102).**

**01. Access to Emergency Services.** All telephones connected to an OSP are required: (7-1-93)

**a.** To provide direct access to a local exchange company operator for access to emergency services by dialing “0” (except for OSP customers like hotels, motels, hospitals, dormitories, etc., that direct “0” calls to a person on the OSP customer’s premises), and (7-1-93)

**b.** Where available, to provide direct access to emergency service providers by dialing “911”, unless exempted by the Commission pursuant to Rule 102.02 of this rule. Unless exempted, access to the OSP network (other than the local exchange company’s) may be made through any other access number or keypad symbol. Exempted providers are required to maintain current lists of local emergency numbers. (7-1-93)

**c.** Provide or pass through the information required by Enhanced 911 service providers, including but not limited to, signaling system seven (“SS7”) and automatic number identification (“ANI”). (3-15-02)

**02. Initial Application for Exemption.** OSPs or PSPs can request an exemption from Rule 102.01 by filing an application for exemption with the Commission. The application must demonstrate that the OSP can immediately connect the caller with the correct emergency agencies that serve the telephone location and include: (3-15-02)

**a.** The full legal name, address and telephone number of the applicant, and any dba used by the applicant in Idaho; (1-1-94)

**b.** The legal form of business of the applicant, i.e., sole proprietorship, corporation or partnership, etc.; (1-1-94)

**c.** If a corporation, the name and address of the agent for service of process in the state of Idaho; (1-1-94)

**d.** On a separate page, the telephone number and location address of each pay telephone installed that the applicant wants included in the exemption (this page may be marked “Proprietary--for use by Commission personnel only”); (1-1-94)

**e.** The full name and address of the OSP facility; (1-1-94)

**f.** A description of the applicant’s service agreements that ensure the OSP’s compliance with the Commission’s Rules; (1-1-94)

**g.** A statement of procedures for and a toll-free telephone number for reporting service difficulties and making billing inquiries; (1-1-94)

**h.** A statement explaining how emergency numbers are obtained and how they are associated with the correct locations; and (1-1-94)

**i.** A statement that the applicant will contractually require that its customers comply or will comply with the requirements set out in these OSP rules. (1-1-94)

**03. Review of Applications for Exemption.** The Commission Staff will review the application for exemption and issue a letter of exemption if the Staff determines the applicant meets the criteria set forth in Rule 102.02. If a request for an applicant’s exemption is denied by the Commission Staff, the applicant may petition the Commission to review the Staff’s denial. (1-1-94)

**04. Annual Update of Information After Exemption Is Granted.** When the Commission has granted an application for exemption under Rule 102.02, the applicant must provide the Commission Staff on August 1 the following: (3-15-02)

**a.** Any change in the information listed in Rule 102.02.a. through 102.02.i.; (1-1-94)

**b.** A current list by telephone number and location address of each pay telephone installed that is covered by the exemption (this page may be marked “Proprietary--for Commission use only”); and (1-1-94)

c. A current list of emergency numbers described in Rule 102.01 and a statement that the OSP has confirmed and updated the list. (1-1-94)

**05. Emergency Dialing Instructions.** All pay telephones owned or controlled by the OSP customer must be posted with emergency dialing instructions. (3-15-02)

**06. Termination of Service for Violation of This Rule.** Consistent with this Commission's rules on termination of service (Telephone Customer Relations Rules 300-314, IDAPA 31.41.01.300 through 31.41.01.314 and Rule 213 of these rules), the LEC must terminate service to customers of record known to be in violation of Rule 102.01 that have not been granted an exemption under Rule 102.02. The Commission or its Staff shall notify the LEC in writing of customers it knows to be in violation and whose service should be terminated. (1-1-94)

**103. ACCESS TO OTHER OSPS AND MTS COMPANIES REQUIRED (RULE 103).**

Except as allowed by this rule, no telephone owned or controlled by an OSP customer and no OSP can block a telephone caller's access to an OSP or MTS company that serves the local exchange where the OSP customer is located. Callers must be allowed access to the OSP or MTS company of their choice via the dialing patterns 950-, 800- and 101XXXX 0+ where allowed by the serving central office. The pay telephone instrument must transmit the access digits in the dialing pattern exactly as the caller dials them. Calls made by a dialing sequence that will bill the call back to the PSP rather than the telephone user, may be blocked. (3-15-02)

**104. DISCLOSURE OF OPERATOR SERVICE PROVIDER (BRANDING) AND CHARGES (RULE 104).**

Every operator service provider must: (7-1-93)

**01. Identify Itself.** Identify itself, audibly and distinctly (e.g., by saying "XYZ operator, may I help you?" or "Thank you for using XYZ") to the telephone caller at the beginning of each telephone call and before the telephone caller incurs any charge for the call; (7-1-93)

**02. Permit Caller to Terminate Call.** Permit the telephone caller to terminate the telephone call at no charge before the call is connected; (7-1-93)

**03. Disclose to Caller.** Disclose immediately to the telephone caller, upon request and at no charge to the telephone caller: (7-1-93)

a. A quote of the total rates and charges (including surcharges) to be billed by OSPs and MTS companies for the call; (7-1-93)

b. The methods by which rates or charges will be collected; and (7-1-93)

c. The methods by which complaints concerning rates, charges or collection practices will be resolved. (7-1-93)

**04. Disclose to the Consumer.** Disclose, audibly and distinctly to the consumer (caller for non-collect calls, called party for collect calls), at no charge, and before connecting any intrastate operator service call, how to obtain the total cost of the call, including any aggregator surcharge, or the maximum possible total cost of the call, including any aggregator surcharge, before providing further oral advice to the consumer on how to proceed to make the call. The oral disclosure required in Rule 104.04 shall instruct consumers that they may obtain applicable rate and surcharge quotations either, at the option of the provider of operator services, by dialing no more than two (2) digits or by remaining on the line. (3-15-02)

**105. COMPLIANCE WITH OSP RULES (RULE 105).**

The OSP and its customers are responsible for complying with all rules that apply to OSP services. These rules must be incorporated in all contracts, tariffs and price lists with Idaho OSP customers, and the OSP must advise new and renewing OSP customers of the OSP customer's obligations under these rules. (7-1-93)

**106. UNCOMPLETED CALLS -- SPLASHING (RULE 106).**

**01. Billing for Uncompleted Calls.** OSPs are prohibited from billing for unanswered or unaccepted telephone calls. Charges for unanswered or unaccepted calls must be removed from bills. (3-15-02)

**02. Splashing.** “Splashing” or “call splashing” means the transfer of a telephone call from one (1) provider of operator services to another provider in a manner that the subsequent provider is unable or unwilling to determine the actual originating location of the call and, because of that inability or unwillingness, is prevented from billing the call on the basis of its actual originating location. OSPs are prohibited from splashing calls unless the telephone caller: (7-1-93)

**a.** Requests to be transferred to another provider of operator services; (7-1-93)

**b.** Is informed before incurring any charges that the rates for the call may not reflect the rates from the actual originating location of the call; and (7-1-93)

**c.** Consents to be transferred. Except as allowed by the previous sentence, OSPs shall not bill for a call on a basis that does not reflect the origin of the call. (7-1-93)

**107. INFORMATION ON BILLS (RULE 107).**

Bills for OSP services shall notify the customer of the procedures and toll-free telephone number for handling complaints and billing inquiries and must comply with Telephone Customer Relations Rule 201, IDAPA 31.41.01.201. Calls billed to a credit card issued by a financial institution not affiliated with or issued in conjunction with an OSP or MTS carrier (e.g., VISA, Mastercard, Diner’s Club, Discovery, American Express) need not contain Telephone Customer Relations Rule 201’s call detail. Call aggregators shall ensure that no charge by the aggregator to the telephone caller for using an “800” or “950” access code number, or any other access code number, is greater than the amount the aggregator charges for calls placed using the presubscribed provider of operator services. (3-15-02)

**108. -- 200. (RESERVED)**

**PAY TELEPHONES - RULES 201 THROUGH 299**

**PAY TELEPHONES AND TELEPHONE CALLERS - RULES 201 THROUGH 210**

**201. APPROVED INSTRUMENTS -- OPERATION OF INSTRUMENTS (RULE 201).**

**01. Registered or Exempt Instruments.** All PSPs connecting pay telephones to the network must connect pay telephone instruments that: (3-15-02)

**a.** Are registered under 47 CFR Part 68 of the Federal Communications Commission (FCC) Rules and Regulations (October 1, 2000) and comply with all Americans with Disabilities Act (ADA) requirements listed in the Code of Federal Regulations at 28 CFR Part 36 (July 1, 2000) and the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (“ADAAG”) (July 1, 2000). (3-15-02)

**b.** If not registered, are connected behind a protective coupler registered under Part 68 of the FCC Rules and Regulations; or (7-1-93)

**c.** Are exempted from registration by the FCC. See Title 47, Part 68.1 through 68.318 (October 1, 2000). (3-15-02)

**02. Instruments for the Hearing Impaired.** All owners of PSPs connecting pay telephones to the network must connect pay telephones that comply with the requirements of the Telecommunications for the Disabled Act of 1982 (January 3, 1983) and 47 CFR. Parts 68.112 and 68.316 (October 1, 2000) (which address access to the handicapped and hearing aid compatibility). (3-15-02)

**03. Operation of the Pay Telephones.** All pay telephones must: (7-1-93)

- coins;
- a. Comply with Rule 203 on coin-free operator and emergency access and Rule 204 on return of (1-1-94)
  - b. Payphones that do not accept incoming calls shall be clearly labeled to advise the user; (3-15-02)
  - c. Allow access to any MTS company that originates calls in that exchange, as follows: Callers must be allowed access to the OSP or MTS company of their choice via the 950-, 800- and 101XXXX 0+ access dialing pattern where allowed by the serving central office. The pay telephone instrument must transmit the access digits in the dialing pattern exactly as the caller dials them, but calls that will bill the call back to the PSP rather than the telephone user, may be blocked; (3-15-02)
  - d. Allow access to any toll-free number (e.g., 800 or 950 numbers) without charge; and (7-1-93)
  - e. Have a keypad or dial that remains engaged during the call and continues to be able to send signals during the call. (7-1-93)

**202. CHARGES FROM PAY TELEPHONES NOT REGULATED (RULE 202).**

A PSP must file a price list or tariff with the Commission indicating the rates charged from its pay telephones unless all rates are set by the servicing OSP and are already filed with the Commission by the servicing OSP. (3-15-02)

**203. EMERGENCY NUMBERS (RULE 203).**

Pay telephones must allow coin-free operator and emergency 911 access in any exchange in which 911 service is available. Where 911 service is not available, instructions for completing coin-free emergency calls must be posted on the pay telephone instrument as required in Rule 207. (7-1-93)

**204. COMPLETION OF CALLS -- REFUNDS (RULE 204).**

Pay telephones must be able to complete local as well as long-distance calls. If coin-operated, the pay telephone must return coins for uncompleted calls. (3-15-02)

**205. PRIVACY (RULE 205).**

The telephone caller's or telephone user's privacy is to be ensured. Extensions to a pay telephone permitting third-party access to conversations are prohibited. (7-1-93)

**206. DIRECTORY (RULE 206).**

The PSP for the pay telephone must make a diligent effort to provide a current telephone directory in good condition. (3-15-02)

**207. LABELING OF PAY TELEPHONES (RULE 207).**

Pay telephones must be labeled with the following information or the information must be posted in proximity to the instrument: (7-1-93)

**01. Name, Address, and Phone Number.** Name and address or name and toll-free telephone number of the PSP. (3-15-02)

**02. Local Exchange and Address.** The local exchange number and address of the telephone (in rural areas without a street address, the name of the street or highway nearest the telephone and a milepost reference can serve as the address). (7-1-93)

**03. Procedure for Reporting.** No cost procedure for reporting service difficulties and method of obtaining refunds and quotes for rates and charges. (7-1-93)

**04. Charge.** The charge for a local call. (7-1-93)

**05. Provider(s) Reached.** The presubscribed operator service provider(s) and the toll service provider(s) that will be reached when the telephone is used. (7-1-93)

- 06. Dialing Instructions.** Dialing instructions for completing calls and a statement that all MTS (long-distance) companies serving the area can be reached from the telephone by dialing the access code or number provided by the MTS (long-distance) company. (7-1-93)
- 07. Operational Characteristics.** (e.g., prepay or postpay). (7-1-93)
- 08. Emergency Dialing Instructions.** (7-1-93)
- 208. -- 210. (RESERVED)**

**PAY TELEPHONES - RULES 211 THROUGH 220**

**211. CONNECTION OF PAY TELEPHONES (RULE 211).**

Pay telephones shall be connected only to public access lines (PAL). Every LEC must offer a PAL tariff or price list. There must be one (1) PAL for each pay telephone instrument. (3-15-02)

**212. PAYMENT OF BILLINGS -- DEPOSITS -- PAY TELEPHONES (RULE 212).**

The PSP is responsible for payment of all billings to the PAL to which the pay telephone is connected, including fraud calls (e.g., unbillable or incorrectly identified calls) made from the pay telephone if the customer of record did not subscribe to line identification service or did not use a billing validation service to verify the billing information provided by the telephone caller. The LEC may require a reasonable security deposit as a condition of connection and continued service. (3-15-02)

**213. RESPONSIBILITY FOR COMPLIANCE -- PAY TELEPHONES (RULE 213).**

**01. LEC Termination With Notice.** The PSP is responsible for compliance with the LEC's and Commission's rules for the provisions of pay telephone service. Consistent with this Commission's Telephone Customer Relations Rules 300 through 314, IDAPA 31.41.01.300 through 31.41.01.314, on termination of service, the LEC must terminate service to customers of record known to be in violation of Rules 101 through 299. The Commission or its Staff shall notify the LEC in writing of customers it knows to be in violation and whose service should be terminated. (3-15-02)

**02. LEC Termination Without Notice.** Immediate termination without prior notice is required if the Commission Staff notifies the LEC that the pay telephone is: (3-15-02)

- a.** In a pattern of non-compliance with the Commission's rules; or (1-1-93)
- b.** In violation of a Commission rule within one (1) week of correcting a previous violation of the same rule. A pattern of non-compliance is defined as two (2) similar major violations within three (3) months. A major violation is further defined as blocking access to the caller's OSP or MTS company of choice (Rules 103 and 201.03.c.), or failure to provide access to emergency services as outlined by the rules (Rules 102 and 203). Telephones installed without meeting the amplification standards as outlined by Title III of the Americans with Disabilities Act 42 U.S.C. Sections 12181 through 12189 (September 22, 2000) will be subject to immediate disconnection (Rule 201.02). (3-15-02)

**214. -- 299. (RESERVED)**

**PAY TELEPHONES IN AND OPERATOR SERVICES FROM INSTITUTIONS OF CONFINEMENT**  
**RULES 300 THROUGH 400**

**300. FURTHER DEFINITIONS (RULE 300).**

As used in Rules 300 through 310: (7-1-93)

**01. Institutions of Confinement.** "Institutions of confinement" mean those portions of prisons, jails, mental hospitals, etc., that house or enclose inmates. (7-1-93)

**a.** One (1) whose liberties are legally restricted by judgment or order of a court, or (2) who are confined under arrest, involuntary commitment, or other legal process; and (7-1-93)

**b.** Who are physically restrained from leaving the premises. Halfway houses, house arrests, etc., where inmates have freedom during some or all of the day to leave or to make telephone calls from telephones other than those provided by the institution, are not institutions of confinement under this rule. (7-1-93)

**02. Operator and Directory Assistance Services.** “Operator and directory assistance services (operator services)” are any telecommunications services that include, as a component, any automatic or live assistance to a telephone caller to arrange for billing or completion, or both, of a pay telephone call from an institution of confinement. They include, but are not limited to, intercept, call completion and assistance, and directory assistance services, whether local, MTS, or both. (7-1-93)

**03. Inmate Operator Service Providers.** “Inmate operator service providers (IOSPs)” are companies that provide operator services from pay telephones in an institution of confinement. (3-15-02)

**04. Inmate OSP Customer.** “IOSP customer” means the institution of confinement that collects and routes calls by inmates of the institution of confinement to an OSP. (3-15-02)

**05. Inmate Pay Telephone.** “Inmate pay telephone” means a telephone instrument that requires the use of any one (1) or more of coin, collect, third-party billing, or credit/calling cards in order to complete local or toll calls from an inmate of an institution of confinement. (3-15-02)

**06. Inmate Telephone Caller.** “Inmate telephone caller” or a “telephone user” is an inmate of an institution of confinement who originates or attempts to originate a call from a pay telephone in the institution. (3-15-02)

**07. Telephone Customer.** “Telephone customer” means the person paying rates and charges for a pay telephone call originated by an inmate of an institution of confinement. (7-1-93)

**301. ADOPTION OF RULES BY REFERENCE (RULE 301).**

All IOSPs offering operator services from pay telephones in an institution of confinement, all customers of record providing pay telephone service from institutions of confinement, all IOSP customers (i.e., the institutions of confinement), and all LECs, whichever are applicable, must comply with the following rules of the Commission adopted by reference: (3-15-02)

**01. Rules 104.01 Through 104.04.** Disclosure of IOSP (Branding) and Charges. Except that branding required by this rule must be given to the pay telephone customer accepting a collect call before the collect call is accepted. (3-15-02)

**02. Rule 106.** Uncompleted Calls--Splashing. (3-15-02)

**03. Rule 107.** Information on Bills. (3-15-02)

**04. Rule 201.01.** Approved Instruments. Registered or Exempt Instruments. (7-1-93)

**05. Rule 202.** Charges From Pay Telephones Not Regulated. (3-15-02)

**06. Rule 204.** Completion of Calls--Refunds. (7-1-93)

**07. Rule 211.** Connection of Pay Telephones, except for the last sentence. (3-15-02)

**08. Rule 212.** Payment of Billings--Deposits--Pay Telephones. (3-15-02)

**09. Rule 213.** Responsibility for Compliance--Pay Telephones. (3-15-02)

**302. INFORMATION TO BE DISPLAYED (RULE 302).**

Pay telephones located in institutions of confinement designed to be used by inmates of the institutions must inform the telephone caller if the pay telephone is connected to an IOSP. The following information must be displayed on or posted in proximity to the instrument or made readily available to inmates: (3-15-02)

**01. Name, Address, and Toll-Free Number.** Name, mailing address and toll-free telephone number of the IOSP and the name, mailing address and toll-free telephone number of the owner of the pay telephone if the owner is not the IOSP (these toll-free telephone numbers may be blocked to telephone callers in the institution of confinement, but must be accessible to telephone customers accepting calls from the pay telephone instrument). (3-15-02)

**02. PUC Address and Phone Number.** The address and telephone numbers of the Idaho Public Utilities Commission and a statement of its consumer complaint authority over improper charges, inadequate service, etc. (7-1-93)

**03. Total Charge.** The total charge for completing a local call, if no rate quote is provided audibly or available. (3-15-02)

**04. Time Limit.** Where the length of a call is limited, the time limit per call. (7-1-93)

**303. EMERGENCY ACCESS (RULE 303).**

If requested by the institution of confinement, pay telephones located in an institution of confinement must be made available for use of inmates of an institution of confinement to provide no-cost reporting of emergencies. (7-1-93)

**304. COMPLIANCE WITH RULE 300 THROUGH 310 (RULE 304).**

The IOSP and its customer (the institution of confinement) are responsible for complying with the requirements of these Rules 300 through 310 that apply to IOSP and pay telephone services. (3-15-02)

**305. INSTRUMENTS FOR THE HEARING-IMPAIRED (RULE 305).**

All pay telephones in institutions of confinement must comply with the requirements of 47 C.F.R. 68.112 and 68.316, which address access to the handicapped and hearing aid compatibility. In addition, as requested by the institution of confinement, amplified pay telephones must be reasonably provided and clearly labeled. (7-1-93)

**306. (RESERVED)**

**307. TOLL-FREE NUMBERS (RULE 307).**

Persons billed for collect calls must be given a toll-free number, published on their monthly bill originating from pay telephones in an institution of confinement, at which they can reach the OSP or its agent to inquire about the correctness of bills, rates, or other information. (7-1-93)

**308. UNACCEPTED OR UNCOMPLETED CALLS (RULE 308).**

Companies billing for collect calls originating from pay telephones in institutions of confinement cannot knowingly bill for unaccepted or uncompleted calls. (3-15-02)

**01. No Charges.** Shall not charge the customer of record of a pay telephone located outside the institution of confinement for calls placed from the institution of confinement and accepted at the other pay telephone; or (7-1-93)

**02. Removal of Charges.** Shall remove the charges from the bill of the customer of record of a pay telephone located outside the institution of confinement, unless the customer of record has not subscribed to billed number identification services (or other similar fraud protection services) with its local exchange company. (7-1-93)

**309. BLOCKING (RULE 309).**

**01. In General.** Upon their own initiative IOSPs providing service to an institution of confinement may block access to: (3-15-02)

- a. Toll-free numbers (e.g., 800 or 950 numbers); (7-1-93)
- b. Information service provider numbers (e.g., 900 or 976); (7-1-93)
- c. Numbers designed for emergency reporting by the general public (e.g., 911); (7-1-93)
- d. Directory assistance; (7-1-93)
- e. 101XXXX dialing sequences (which will reach other toll carriers); and (3-15-02)
- f. Incoming calls. IOSPs shall block local or long distance numbers as directed by the institution of confinement that is the IOSP customer. Any person may request the IOSP to block calls from a given institution of confinement to that person's telephone. This section is not an exhaustive listing of all circumstances under which IOSPs can block access to numbers from pay telephones in institutions of confinement. (3-15-02)

**02. Risk of Nonpayment.** IOSPs providing service to an institution of confinement may block access to a telephone customer's line when there is evidence of risk that the telephone customer cannot pay the IOSP's charges. Factors indicating a risk of nonpayment include, but are not limited to: (3-15-02)

a. No or inadequate deposit on file to pay charges described in Subsection 309.02.b. below. A history with the IOSP of nonpayment, payment of less than the total amount due, or payment with dishonored checks; or (3-15-02)

b. Accumulated charges and unbilled charges for IOSP services from that IOSP that exceed one hundred dollars (\$100) in a one-month period. (3-15-02)

**310. APPLICABILITY OF RULES 300 THROUGH 310 (RULE 310).**

Rules 300 through 310 apply only to services provided for inmate use at institutions of confinement. If any persons providing pay telephones in or operator services from institutions of confinement also provide pay telephones or operator services elsewhere, including, for example, portions of jails or prisons open to the public, they must fully comply with all of the Commission's rules for OSPs and pay telephones for those services. Rules 300 through 310 supersede all orders of the Commission previously issued granting exemptions from former Rules 9, 10 or 11 (former IDAPA 31.D.9, -.10 or -.11) for OSPs or pay telephone providers offering services to inmates in institutions of confinement. (7-1-93)

**311. -- 999. (RESERVED)**

**IDAPA 31  
TITLE 61  
CHAPTER 01**

**31.61.01 – RULES FOR THE MEASUREMENT OF STRAY CURRENT OR VOLTAGE  
(THE STRAY VOLTAGE RULES)**

**GENERAL PROVISIONS  
RULES 0 THROUGH 11**

**000. LEGAL AUTHORITY (RULE 0).**

These rules are promulgated pursuant to the authority of the Idaho Public Utilities Law, Sections 61-515 and 61-520, Idaho Code, and the Stray Current and Voltage Remediation Act, Section 61-803, Idaho Code. (4-11-06)

**001. TITLE AND SCOPE (RULE 1).**

**01. Title.** The title of these rules is the IDAPA 31.61.01, “Rules for the Measurement of Stray Current or Voltage” (Stray Voltage Rules). (4-11-06)

**02. Scope.** These rules are applicable to dairy producers, public utilities and all persons or entities involved in any way in the measurement or remediation of stray current or voltage within Idaho. (4-11-06)

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (6-30-19)T

**003. ADMINISTRATIVE APPEALS (RULE 3).**

There are no provisions for administrative appeals within the Commission under these rules. (4-11-06)

**004. INCORPORATION BY REFERENCE – REFERENCE TO SAFETY CODES (RULE 4).**

**01. Safety Codes.** These rules reference two (2) national safety codes. (4-11-06)

**a.** The National Electrical Safety Code (NESC) is applicable to public utilities and is adopted by the Commission in IDAPA 31.11.01, “Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission.” (4-11-06)

**b.** The National Electrical Code (NEC) is applicable to the installation of wires and facilities used to convey electric current and to apparatus to be operated by such electric current. Adoption of the National Electrical Code is found at Section 54-1001, Idaho Code, and IDAPA 07.01.06, “Rules Governing the Use of National Electrical Code,” Section 011. (4-11-06)

**005. OFFICE – OFFICE HOURS – MAILING, ELECTRONIC AND STREET ADDRESSES (RULE 5).**

**01. Office Hours.** The principal office of the Commission is in Boise, Idaho. This office is open from 8 a.m. to 5 p.m. except Saturday, Sunday and legal holidays. The Commission’s telephone number is (208) 334-0300. The hearing or speech impaired may reach the Commission through the Idaho Telecommunications Relay Service by dialing 711. (4-11-06)

**02. Mailing and Street Addresses.** The Commission’s mailing address is: Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074. The street address for the Commission is: 472 West Washington Street, Boise, Idaho 83702-5983. All documents filed in all proceedings under these rules must be filed with the Commission at one (1) of these addresses. (4-11-06)

**03. Electronic Address.** The Commission’s electronic address for its Internet homepage is <http://www.puc.idaho.gov>. (4-11-06)

**006. PUBLIC RECORDS ACT COMPLIANCE (RULE 6).**

Unless specifically exempted from public disclosure by the Public Records Act, Title 74, Chapter 1, Idaho Code, all materials filed with the Commission pursuant to these rules are presumed to be public documents subject to inspection, examination and copying. Whenever a party believes that information contained in pleadings or other documents are trade secrets, confidential or otherwise exempt from public disclosure, the attorney of such party must state in writing that the information is protected by law from public inspection, examination or copying, citing the specific grounds and legal authority for that assertion. The Commission will treat confidential information in compliance with IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Section 067.

(4-11-06)

**007. LIBERAL CONSTRUCTION (RULE 7).**

These rules will be liberally construed to secure just, speedy and economical determination of all issues presented to the Commission.

(4-11-06)

**008. PRACTICE AND PROCEDURES – FORMS (RULE 8).**

All proceedings under these rules will be conducted in accordance with IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission." Forms used for recording voltage or current measurements under these rules appear in the Appendices. Subject to prior approval by the Commission, spreadsheets or electronic forms in substantially similar format and containing all relevant data may be used. Calculations may be automated as part of these electronic forms.

(4-11-06)

**009. (RESERVED)**

**010. DEFINITIONS (RULE 10).**

**01. Adequate Remediation.** Means corrective action taken by a utility which results in, and is reasonably likely to sustain, a reduction of stray current or voltage attributable to the utility's distribution system to a measured level that is fifty percent (50%) or less of the preventive action level.

(4-11-06)

**02. Ampere.** A unit of measure of current. A milliamperere is one-one thousandths (1/1,000) of an ampere.

(4-11-06)

**03. Commission.** Means the Idaho Public Utilities Commission.

(4-11-06)

**04. Cow Contact Points.** Means any two (2) points on electrically conductive materials in a dairy which a dairy cow may (in its normal environment on the dairy) unavoidably and simultaneously contact. Electrically conductive material may include the surface(s) that the cow is standing on as one (1) or both cow contact points.

(4-11-06)

**05. Equipotential Plane (EPP).** Means an area where wire mesh or other conductive elements are imbedded in or placed under concrete, bonded to all metal structures and fixed nonelectrical equipment that may become energized, and connected to the electrical grounding system to prevent a difference in voltage from developing within the plane.

(4-11-06)

**06. Preventive Action Level (PAL).** Stray current or voltage that, when correctly measured, is either:

(4-11-06)

**a.** A steady state, root mean square (rms) alternating current (AC) of two (2) milliamperes (mA) or more through a five hundred (500) ohm resistor (i.e., shunt resistor) connected between cow contact points, as measured by a true rms meter, or;

(4-11-06)

**b.** Any steady state, rms AC voltage of one (1.0) volt or more across (in parallel with) a five hundred (500) ohm resistor (i.e., shunt resistor) connected between cow contact points, as measured by a true rms meter.

(4-11-06)

**07. Primary System.** A term that describes the high voltage utility electrical system including the generation, transmission and distribution systems. It also refers to the high voltage side of a distribution transformer.

(4-11-06)

**08. Secondary System.** Means the low-voltage utility electrical system on the secondary side of a distribution transformer. The dairy's on-farm system begins on the dairy's side of the metering points, except for dairies metered on the high voltage side of the transformer(s). In the case of dairies metered on the high voltage side, the on-farm system begins at the transformer's low-voltage lugs. (4-11-06)

**09. Service Provider.** Means any person, company or other legal entity providing stray voltage or current testing, consulting, measurements, analysis services, construction, or hardware. (4-11-06)

**10. Shunt Resistor.** A physical resistor or combination of resistors used to simulate a dairy cow during the measurement of cow contact voltage. As used in these rules, a shunt resistor shall be five hundred (500) ohm plus or minus two percent (+/- 2%). (4-11-06)

**11. Source Resistance.** Means that portion of resistance in the circuit, other than the resistance of the cow, when the cow is completing a circuit between contact points. Body-to-metal contact resistance and hoof-to-earth resistance may represent a portion of the source resistance. (4-11-06)

**12. Steady State.** The value of a current or voltage after an amount of time has passed where all transients have decayed to a negligible value. (4-11-06)

**13. Stray Current or Voltage.** Stray voltage or current is: (4-11-06)

**a.** Any steady state, sixty (60) hertz (Hz) (including harmonics thereof) root mean square (rms) alternating current (AC) less than twenty (20) milliamperes (mA) through a five hundred (500) ohm resistor (i.e., shunt resistor) connected between cow contact points, as measured by a true rms meter; or (4-11-06)

**b.** Any steady state, sixty (60) Hz (including harmonics thereof), rms AC voltage of less than ten (10) volts, across (in parallel with) a five hundred (500) ohm resistor (i.e., shunt resistor) connected between cow contact points, as measured by a true rms meter. (4-11-06)

**c.** Stray current and voltage is a normal, inherent and unavoidable result of electricity traveling through grounded electrical systems, including a dairy producer's on-farm system and a utility's distribution system. These systems are required by the National Electrical Code (NEC) and the National Electrical Safety Code (NESC) to be grounded to the earth to ensure safety and reliability. (4-11-06)

**d.** Unless the context otherwise requires, the term "stray voltage" shall mean stray current or stray voltage. (4-11-06)

**14. Tests, Measurements, Procedures and Analysis.** Means any or all of the stray voltage testing, measurement, work and work product defined in these rules. (4-11-06)

**15. Transient.** Transient or transient deviation means a non-steady state increase or spike in voltage or current. For the purpose of identifying and reporting transients in cow contact voltage ( $V_{cc}$ ) or current ( $I_{cc}$ ), a transient occurs when the recorded maximum  $V_{cc}$  or  $I_{cc}$  in a recording interval exceeds two hundred percent (200%) of the steady state  $V_{cc}$  or  $I_{cc}$  recorded during the same recording interval. (4-11-06)

**16. Utility.** Means a public electric utility as defined in Section 61-332A, Idaho Code. (4-11-06)

**011. PURPOSE OF RULES -- CONFORMANCE TO ELECTRICAL CODE (RULE 11).**

These rules standardize the measurement and testing procedures used to measure stray voltage and current. Standardization of testing will provide a consistent basis for determining the presence and level of stray voltage in a dairy and how to determine the source of that stray voltage or current. These rules do not replace existing safety standards embodied in electrical codes. Any conflict between these rules and the National Electrical Code or the National Electrical Safety Code shall be promptly brought to the attention of the Commission. Under these rules, testing is intended to determine: (4-11-06)

**01. Presence of Stray Voltage.** The presence and amount of any stray voltage or current within the

dairy. (4-11-06)

**02. Sources of Stray Voltage.** The source(s) of any stray voltage or current detected. (4-11-06)

**03. Contributions to Stray Voltage.** The percent contribution from the utility side and the dairy side of the dairy service entrance to the total stray voltage or current measured on the dairy. (4-11-06)

**012. -- 020. (RESERVED)**

**APPLICABILITY AND ADMISSIBILITY**  
**RULES 21 THROUGH 30**

**021. UTILITY (RULE 21).**

A utility measuring or testing for stray voltage or current at the request of a dairy producer, as directed by the Commission or on its own initiative, shall conduct such measurements in accordance with these rules. (4-11-06)

**022. DAIRY PRODUCER (RULE 22).**

**01. Serving Notice on the Utility.** A dairy producer providing written notice to a utility pursuant to Section 61-804, Idaho Code, shall specify why the dairy producer believes its dairy cows are being affected by electrical energy attributable to the utility. A dairy producer may provide such notice with or without first having conducted tests or measurements of stray voltage. (4-11-06)

**02. Cooperation.** When a written notice is filed with the utility, the dairy is obligated to make any contact point(s), service panels, grounding rods or other electrical equipment at the dairy available to the utility for measuring and testing. The utility shall provide reasonable notice and cooperate with the dairy producer to establish an appropriate time to conduct the tests and measurements. The dairy shall cooperate with the utility so that all tests and measurements necessary to identify the existence and magnitude of stray current or voltage, if any, are completed within fourteen (14) days of the utility's receipt of such notice. (4-11-06)

**023. SERVICE PROVIDERS (RULE 23).**

Any person performing any stray voltage measurement or test on behalf of a utility or a dairy shall be deemed a service provider and shall follow these rules. (4-11-06)

**024. ADMISSIBILITY (RULE 24).**

Only tests and measurements made in compliance with these rules shall be admissible before the Commission or in any civil action. (4-11-06)

**025. -- 030. (RESERVED)**

**QUALIFICATIONS OF PERSONS PERFORMING AND ANALYZING**  
**RESULTS OF STRAY VOLTAGE TESTS**  
**RULES 31 THROUGH 40**

**031. PERFORMANCE OF TESTS AND MEASUREMENTS (RULE 31).**

Measuring and testing for stray voltage under these rules for consideration by the Commission shall be performed by a qualified testing professional. The following persons are presumed to be qualified testing professionals: (4-11-06)

**01. Professional Engineer.** A professional engineer, licensed in any state, who has completed no fewer than forty-eight (48) hours of Commission-approved stray voltage training and who has been involved in no fewer than five (5) prior investigations involving the measurement or testing of stray voltage. (4-11-06)

**02. Master Electrician.** A master electrician, licensed in any state, who has completed no fewer than forty-eight (48) hours of Commission-approved stray voltage training and who has been involved in no fewer than five (5) prior investigations involving the measurement or testing of stray voltage. (4-11-06)

**03. Technician.** A technician who, under the supervision of a person presumed qualified under

Subsections 031.01 and 031.02, has completed no fewer than eight (8) hours of Commission-approved stray voltage training and who has been involved in no fewer than five (5) prior investigations involving the measurement or testing of stray voltage. (4-11-06)

**032. DATA ANALYSIS (RULE 32).**

Analysis of data under these rules, for consideration by the Commission, shall be performed by a qualified analyst. A professional engineer, licensed in any state, who has completed no fewer than forty-eight (48) hours of stray voltage training and who has been involved in no fewer than five (5) prior investigations involving measurement or testing of stray voltage shall be presumed to be a qualified analyst. (4-11-06)

**033. PERSONS OTHERWISE QUALIFIED (RULE 33).**

A person who does not satisfy the qualifications in Sections 031 and 032, may nonetheless be determined by the Commission to be a qualified testing professional or a qualified analyst if, on motion of any party, the Commission finds that person otherwise possesses the knowledge, skill, experience, training, or education that qualifies that person to offer expert testimony before the Commission. (4-11-06)

**034. -- 050. (RESERVED)**

**CALIBRATION OF AND EQUIPMENT USED FOR MEASURING  
AND RECORDING VOLTAGE, CURRENT AND RESISTANCE  
RULES 51 THROUGH 60**

**051. GENERAL REQUIREMENTS FOR STRAY VOLTAGE MEASURING AND RECORDING EQUIPMENT (RULE 51).**

Equipment used for the measurement or testing of stray voltage, current, and resistance shall meet the following criteria: (4-11-06)

**01. Resolution and Accuracy.** The accuracy and resolution of any instrument used to measure or record cow contact voltage or current, shall limit the error to five percent (5%) or less at one volt (1 V) or two milliamperes (2 mA). (4-11-06)

**02. Voltage Measurement.** Instruments used to measure cow contact voltage shall be capable of separating and independently measuring alternating current (AC) and direct current (DC) voltages. These instruments shall have a minimum internal impedance of ten thousand (10,000) ohms and shall be capable of measuring the true-rms voltage. (4-11-06)

**03. Current Measurement.** A clamp-on ammeter, a digital multi-meter (DMM) with clamp-on device, or an in-line ammeter shall be used to measure current between two (2) points. The meters shall be capable of separating and independently measuring alternating current (AC) and direct current (DC) and shall be capable of measuring the true-rms current. Care must be taken to assure that clamp-on ammeters used have the required resolution and accuracy. (4-11-06)

**04. Resistance Measurement.** Resistance shall be measured using either a volt ohmmeter (VOM) or a DMM. Resolution shall be to the level of one (1) ohm or less when measuring a resistance of less than one thousand (1,000) ohms. Accuracy shall be within plus or minus five (+/-5) ohms for a five hundred (500) ohm resistance. (4-11-06)

**05. Resistance-to-Earth Measurement.** Grounding electrode resistance-to-earth measurements shall be made with a three- (3) point fall-of-potential instrument or a clamp-on resistance-to-earth tester. (4-11-06)

**052. CALIBRATION REQUIREMENTS (RULE 52).**

**01. Measuring Equipment Calibration.** All measuring equipment shall be calibrated according to the manufacturer's recommended calibration schedule, but no less than annually, to meet the manufacturer's specifications for the accuracy and resolution of the equipment. Measuring equipment shall not be used after its next "calibration due" date for measurements or tests conducted during a stray voltage investigation. Calibration shall be performed by either: (4-11-06)

**a.** The manufacturer of the equipment, who shall certify that the equipment meets the manufacturer's specifications for accuracy and resolution; or (4-11-06)

**b.** A laboratory currently certified as meeting all applicable Institute of Electrical and Electronic Engineers (IEEE) and International Organization for Standards (ISO) standards. (4-11-06)

**02. Calibration Certificates.** The service provider performing the tests and measurements shall maintain certificates from the manufacturer or the calibration laboratory demonstrating compliance with calibration requirements. (4-11-06)

**03. Field Check.** Before voltage or current measurement or testing is performed, the instrument shall be field-checked by comparing measurements to those of other instruments or against a known source. (4-11-06)

**053. REQUIREMENTS FOR MONITORING AND RECORDING DEVICES (RULE 53).**

Digital recording devices shall be used for the purpose of recording current and voltage for extended periods, such as the forty-eight (48) hour test. The recording devices shall have the same level of resolution and accuracy as the meters being used for the measurements. Monitoring systems, which combine measuring and recording functions in a single instrument, shall have the same level of resolution and accuracy as specified in Section 051. Recording devices and monitoring systems shall be capable of recording transient deviations of one-tenth (0.1) second or less in duration from the steady state. Digital recording devices, which have deviation settings, shall permit the deviation setting to be set "low" enough to meet the resolution and accuracy requirements in Subsection 051.01 of these rules. All recording devices shall be able to log the time and date of all data recorded and shall have their internal clocks synchronized. (4-11-06)

**054. REQUIREMENTS FOR LOAD BOXES (RULE 54).**

The load box shall meet the following criteria: (4-11-06)

**01. Volts.** A load box shall be a primarily non-inductive nominal two hundred forty (240) volt, resistance heating type load with a minimum nominal full load of eighteen (18) kilowatts (kW). (4-11-06)

**02. Split-Load.** A load box shall be capable of operating at two (2) or more load settings, including approximately fifty percent (50%) and one hundred percent (100%) of the load box's rated total load. (4-11-06)

**055. -- 070. (RESERVED)**

**TESTING AND MEASUREMENT PROCEDURES**  
**RULES 71 THROUGH 80**

**071. STRAY CURRENT OR VOLTAGE TESTS (RULE 71).**

Subject to Subsection 071.02, there are six (6) tests used to detect and measure stray current or voltage. (4-11-06)

**01. Scheduling of Stray Voltage Tests.** Efforts shall be made to perform the tests under conditions substantially similar to those conditions existing at the time(s) the dairy producer believes stray voltage to be a problem. (4-11-06)

- a.** Test 1 - Cow Contact Test; (4-11-06)
- b.** Test 2 - Forty-Eight (48) Hour Test; (4-11-06)
- c.** Test 3 - Primary Profile Test; (4-11-06)
- d.** Test 4 - Secondary Neutral Voltage Drop Test; (4-11-06)
- e.** Test 5 - Load Box Test; and (4-11-06)
- f.** Test 6 - Signature Test. (4-11-06)

**02. Testing Sequence.** Test 1 shall be performed first. Tests 1 and 2 are used to determine the presence and level of stray voltage and shall be performed in all investigations, subject to the provisions of Subsection 071.03. Tests 3, 4, 5, and 6 may be performed in any order and may be performed without first determining that these tests are required under Paragraph 071.02.b. Tests 3, 4, 5, and 6 may be performed prior to starting the recording for Test 2 or while Test 2 is in progress. Test 2 may be interrupted as necessary to conduct Tests 4, 5, and 6, or for review and analysis of the data recorded up to that point. (4-11-06)

**a.** If the results from Tests 1 and 2 indicate that stray voltage does not exceed the preventive action level (PAL), the utility has no further testing or remediation obligations under these rules during this test cycle. (4-11-06)

**b.** If the PAL is exceeded, the utility shall perform the remaining four (4) tests except as provided in Subsection 071.03. The utility shall also perform analysis to determine whether the portion of the stray current or voltage attributable to an off-farm source exceeds fifty percent (50%) of the PAL. (4-11-06)

**c.** If the PAL is exceeded, and the portion of the stray current or voltage attributable to an off-farm source does not exceed fifty percent (50%) of the PAL, the utility has no further testing or remediation obligations. (4-11-06)

**d.** If the PAL is exceeded, and the portion of the stray current or voltage attributable to an off-farm source exceeds fifty percent (50%) of the PAL, the utility shall conduct remediation pursuant to Section 091. Under this condition, the forty-eight (48) hour recording of Test 2 may be reduced to no fewer than twenty-four (24) hours. (4-11-06)

**e.** For all testing conducted under these rules, the utility shall have a qualified analyst prepare a report pursuant to Section 082. (4-11-06)

**03. Suspended or Limited Testing.** With the written agreement of both the utility and the dairy producer, a stray voltage investigation may be suspended at any point in the investigation. With the written agreement of both the utility and the dairy producer, the utility may employ a limited set of tests or measurements on a dairy as part of an intentionally limited evaluation. If the utility proposes to suspend a stray voltage investigation or to conduct a limited evaluation, its reasons for doing so shall be set forth in the written agreement between the utility and the dairy producer. (4-11-06)

**072. PREPARATION FOR TESTING (RULE 72).**  
The person performing the tests shall perform the following: (4-11-06)

**01. Remote Reference Grounding Rod.** (4-11-06)

**a.** Remote reference grounding rod(s) shall be installed and penetrate moist soil to a depth of thirty (30) inches. When practicable, remote reference rods shall be installed at least twenty-five (25) feet away from the nearest underground conductive electrical equipment of any type or at a distance equal to three (3) to four (4) times the buried depth of any metallic structure connected to the service entrance neutral. The reference ground rod shall be located not closer than twenty-five (25) feet from the centerline of a primary electrical conductor right-of-way. A reference rod shall be located not closer than one hundred (100) feet from the edge of a transmission line right-of-way. (4-11-06)

**b.** All remote reference grounding rods shall be checked for “remoteness” prior to their use for tests or measurements and if found to be insufficiently “remote,” a new location for that reference ground rod shall be found and retested for remoteness. Remoteness of the reference ground shall be determined by measuring the voltage from the transformer grounding electrode conductor to the remote reference ground. The resistance-to-earth of the transformer grounding electrode shall be measured. The grounding electrode current shall be measured. Remoteness is considered adequate if the measured voltage (transformer grounding conductor to reference ground,  $V_p$ ) is within twenty percent (20%) of the voltage calculated by multiplying the grounding electrode current by the grounding electrode resistance-to-earth. (4-11-06)

c. If the transformer grounding electrode is within twenty-five (25) feet of other primary or secondary grounding electrodes, this remoteness test shall be conducted at the first primary system grounding electrode upstream of the transformer that is greater than twenty-five (25) feet from other primary or secondary system grounding electrodes. (4-11-06)

**02. Inspecting the Transformer(s).** Prior to testing, the utility transformer shall be inspected, grounding electrode resistance measured, and any repairs necessary for safety be made and recorded. In the case of a customer-owned transformer, qualified personnel shall inspect the installation, measure grounding electrode resistance, and make and record any repairs necessary for safety. Measurements that require contact with utility or customer-owned primary wires or equipment shall be made by the utility or other qualified personnel. (4-11-06)

**03. In-Line Ammeters.** If in-line or series ammeters are used, they shall be installed under safe conditions in accordance with the National Electrical Safety Code and the National Electrical Code with the entire dairy system or the specific circuit to be tested de-energized. (4-11-06)

**04. Pre-Test Documentation.** (4-11-06)

- a. All pre-test calibration requirements from Section 052 shall be completed and documented. (4-11-06)
- b. A sketch or drawing of the dairy shall be prepared indicating: (4-11-06)
- i. The location of the buildings; (4-11-06)
  - ii. Secondary electrical service panels and secondary feeder systems serving cow contact areas; (4-11-06)
  - iii. Transformer(s) and central distribution point; (4-11-06)
  - iv. Existing grounding electrodes (if known); (4-11-06)
  - v. The location of all cow contact points to be tested; (4-11-06)
  - vi. All remote reference grounding rods; and (4-11-06)
  - vii. All primary and secondary neutral test points used in conjunction with the remote reference grounding rod(s). (4-11-06)

c. A listing of planned test points shall be prepared using the applicable form prior to beginning each test. Each test shall be listed separately and specific reference numbers shall be given to each planned test point. (4-11-06)

**05. Safety.** (4-11-06)

a. If the service provider reasonably concludes that a dairy's noncompliance with the National Electrical Code poses a significant and immediate safety hazard which prevents completion of any test or measurement required by these rules, then the service provider's obligations to proceed under these rules shall be suspended until the hazard is eliminated. (4-11-06)

b. At the discretion of the service provider conducting the test, livestock shall be removed from any area where electrical equipment or wiring is examined or electrical measurements are taken. Testing may be suspended if the presence of cows or other animals creates a potential hazard to testing personnel. The locations of electric fences and other electrified cow control devices shall be noted and de-energized where practical. (4-11-06)

**073. TEST 1 -- COW CONTACT TEST (RULE 73).**

**01. Purpose.** The purpose of this test is to determine the location(s), if any, where stray current or

voltage exceeds the preventive action level (PAL) and to identify the location(s) at which the cow contact voltage will be recorded in the forty-eight (48) hour test. (4-11-06)

**02. Selection of Cow Contact Points.** The selection of cow contact points to be tested shall include a sufficient number of locations reasonably likely to demonstrate the presence of stray voltage or current, if any. (4-11-06)

**03. Conducting the Test.** The voltage across the shunt resistor or current through the shunt resistor shall be measured between cow contact points as shown in Figure 1. The source resistance shall be calculated during analysis for all cow contact points.

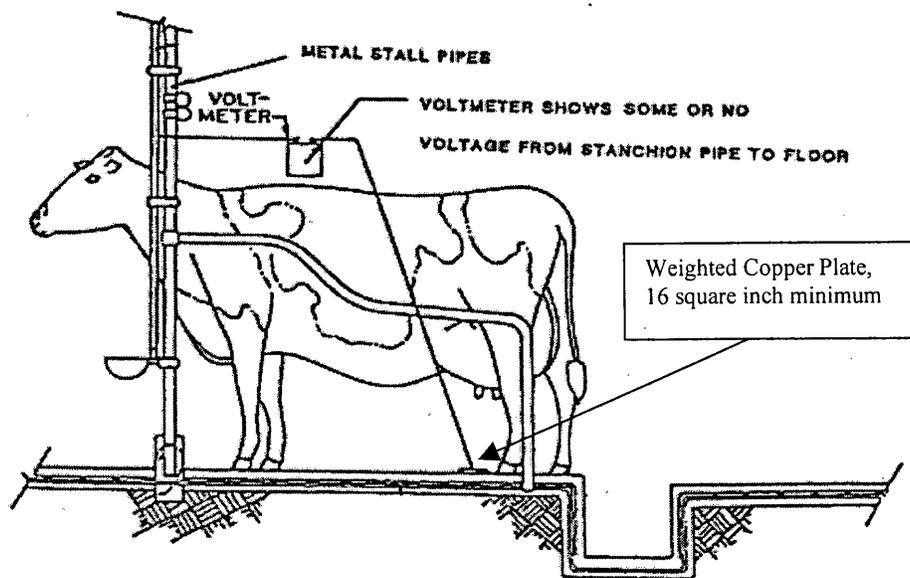


Figure 1, Cow Contact Test.

(4-11-06)

a. When using a voltmeter to measure voltage between contact points where one (1) of those points is the floor surface, the equipment shall be arranged as shown in Figures 1 and 2, using a metal plate, which shall make a high quality conductive contact with the ground or floor. If the service provider is unsure of having a high quality conductive contact with the floor or ground, then the procedure described in Paragraph 073.03.c. shall be followed. If necessary, corrosion shall be removed from the point(s) where test lead(s) make contact with metal equipment.

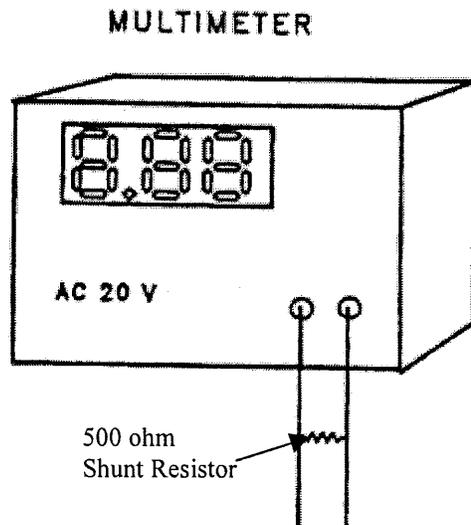


Figure 2, Cow Contact Voltage Measurement.

(4-11-06)

b. When using an in-line milliammeter or a clamp-around milliammeter to measure current between contact points and one (1) of those points is the floor surface or earth, the equipment shall be arranged as shown in Figure 3, using a metal plate which shall make high quality conductive contact with the ground or floor. If the service provider is unsure of having a high quality conductive contact with the floor or ground, then the procedures described in Paragraph 073.03.c. shall be followed. If necessary, corrosion shall be removed from the point(s) where test lead(s) make contact with metal equipment.

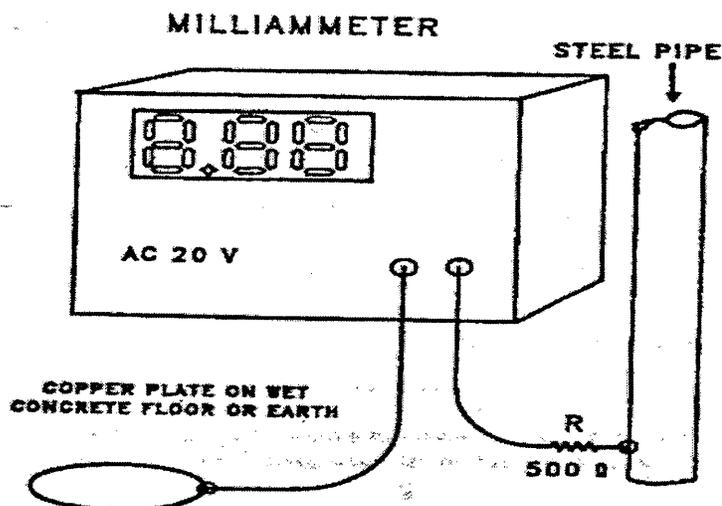


Figure 3, Set Up for Measuring Current Cow Contact Point to Ground (4-11-06)

c. A metal plate used to make an electrical contact with the earth or floor shall be of regular shape (square, rectangular or round), and shall have a surface area equal to or greater than sixteen (16) square inches (4 inches x 4 inches or equivalent). Place a weight not less than twenty (20) pounds on the metal plate. This weight shall be applied evenly across the metal plate and not to the adjacent concrete or earth. Place the metal plate a minimum distance of twelve (12) inches from any metal equipment making contact with the floor or earth. (4-11-06)

i. Where the metal plate is to be placed on a concrete floor, the surface shall be flat. Clean the floor surface with a wire brush to remove debris that may add excess resistance. Use water to clean the floor surface at the point where the metal plate will be placed. Place a paper towel or similar material soaked in saltwater between the metal plate and the concrete floor. (4-11-06)

ii. Where the metal plate is to be placed on the ground or earth surface, the surface shall be flat. Remove any debris and add water to the area, if necessary, to dampen the soil. The surface of the metal plate that will make contact with the earth shall be clean and free of corrosion before use. Remove any corrosion, if necessary. (4-11-06)

**04. Recording the Data.** The person conducting this test shall record the location of, and measured values at, each test point. At each cow contact location, an open circuit voltage reading ( $V_{oc}$ ) and a voltage with five hundred (500) ohm nominal shunt resistor placed across the input to the meter ( $V_{shunt}$ ) shall be taken. These readings shall be taken with ten (10) seconds or less time between each reading. Alternatively, a current measurement ( $I_{shunt}$ ) may be taken in place of the voltage reading ( $V_{shunt}$ ). Data for these test points shall be recorded on the form in Appendix 1. (4-11-06)

**05. Source Resistance Calculation.** The source resistance ( $R_{source}$ ) shall be calculated for each cow contact location measured and the value recorded in Appendix 1. The following formulas shall be used to calculate source resistance.

$$R_{source} = \frac{V_{oc} - V_{shunt}}{V_{shunt}} \times R_{shunt}$$

$$R_{source} = \frac{V_{oc}}{I_{shunt}} - R_{shunt}$$

(4-11-06)

**074. TEST 2 -- FORTY-EIGHT HOUR TEST (RULE 74).**

**01. Purpose.** The purpose of this test is to determine whether stray current or voltage exceeds the preventive action level (PAL) at selected location(s) over a forty-eight (48) hour period, subject to Subsection 074.06 and Paragraph 071.02.d. The test also demonstrates whether the primary or secondary sides of the system have a specific impact on the recorded current or voltage at specific times of day. (4-11-06)

**02. Setup.** A digitizing data recorder with averaging capability and capable of detecting and recording transient deviations of one-tenth (0.1) second or less in duration shall be used to record the following: (4-11-06)

- a. Voltage from primary neutral at the transformer to remote reference ground,  $V_p$ . (4-11-06)
- b. Voltage from secondary neutral in the service panel serving the area of the cow contact to remote reference ground,  $V_s$ . (4-11-06)
- c. Voltage drops ( $V_{ps}$ ) from primary neutral at the location of connection for  $V_p$  to secondary neutral at the location of the connection for  $V_s$ . (4-11-06)
- d. Cow contact current through ( $I_{cc}$ ) or voltage across a five hundred (500) ohm resistor at the high

voltage point(s) found in Test 1, Vcc. (4-11-06)

**03. Measurement Interval.** The results of the forty-eight (48) hour test may be highly indicative of the presence of stray voltage. A recording interval as high as ten (10) seconds may be used provided that transient deviations of voltage or current of one-tenth (0.1) second or less in duration of voltage or current are recorded to the maximum ability of the instrument. (4-11-06)

**04. Measurement at the Cow Contact Point(s).** Measurements to the earth or concrete surface shall be to a metal plate as described in Paragraph 073.03.c. When making measurements to metal objects, corrosion shall be removed to obtain a low resistance connection. (4-11-06)

**05. Recording the Data.** All of the data gathered by the recording equipment during the forty-eight (48) hour test including transients shall be downloaded and retained with the records of the investigation. In addition, the steady-state data shall be summarized in the investigation report. The recorded data shall be made available to the dairy producer or utility upon request. The person conducting this test shall record the location of, and measured values at, each test point. The identification of the cow contact point shall be recorded on the form in Appendix 2. Transient deviations shall be recorded on the supplemental data form, page 3 of 3 in Appendix 2. A plot of the voltage versus time may be substituted for the recording of measured values in Appendix 2. (4-11-06)

**06. Reduced Recording Period.** If a qualified analyst concludes that remediation by the utility is required under Paragraph 071.02.d. prior to the completion of a forty-eight (48) hour recording period, the recording period may be reduced to no fewer than twenty-four (24) hours. (4-11-06)

**075. TEST 3 -- PRIMARY PROFILE TEST (RULE 75).**

**01. Purpose.** The purpose of this test is to measure or calculate neutral-to-earth voltage (NEV) for a multi-grounded distribution system. (4-11-06)

**02. Conducting the Test.** The primary profile test requires concurrent measurement of the ground electrode resistance and current at all primary system ground points within three quarters (3/4) of a mile on either side of all primary service points serving the dairy, or to the end of the line if less than three quarters (3/4) of a mile. Alternatively, the voltage between a remote grounding rod and the primary ground point being tested may be measured. (4-11-06)

**a.** This test shall be conducted starting at one (1) end of the distribution system and working toward the other end along the main primary distribution system. Figure 4 below illustrates the procedure. (4-11-06)

**i.** Where the dairy is served by a dedicated tap of less than one-half (1/2) mile in length from a distribution line, the neutral-to-earth voltage shall be measured at each primary ground along the tap and along the distribution line to a distance of three-quarters (3/4) of a mile in each direction from the point of the tap; or (4-11-06)

**ii.** Where a dairy is served by a dedicated tap that extends more than one-half (1/2) mile from the distribution line, the neutral-to-earth voltage shall be measured at each primary grounding electrode along the tap and along the distribution line to a distance of one-half (1/2) mile in each direction from the point of the tap. (4-11-06)

**03. Recording the Data.** The person conducting this test shall record the location of, and measured values at, each test point. Data and calculation results for these test points shall be recorded on the form in Appendix 3.

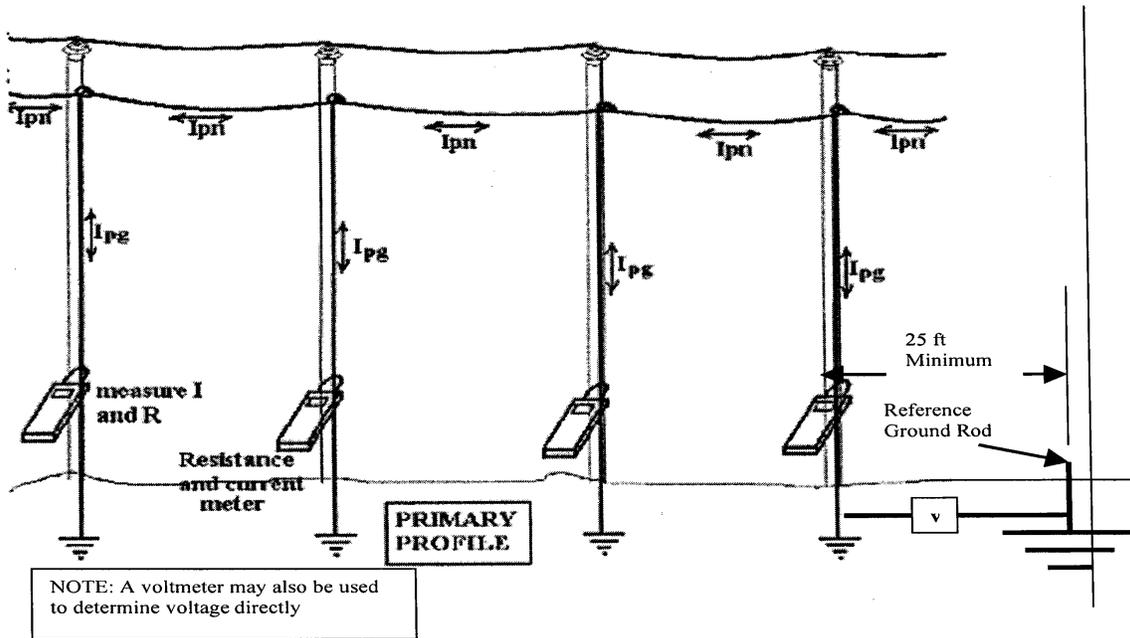


Figure 4, Primary Profile Test

(4-11-06)

**076. TEST 4 -- SECONDARY NEUTRAL VOLTAGE DROP TEST (RULE 76).**

**01. Purpose.** This test is used to determine the impact of each secondary service on the neutral-to-earth (NEV) and cow contact voltages on the dairy under controlled conditions. (4-11-06)

**02. Conducting the Test.** This test shall be performed for all service entrances. A proxy load of known characteristics (such as a resistive load like a one hundred twenty (120) volt, fifteen hundred (1,500) watt hairdryer) is required for this test. The proxy load must create a known and stable current and subsequent voltage drop for each neutral serving a main panel, sub-panel or end-of-service area. All service entrances other than that being tested shall be turned "off" to perform this test. A diagram showing the connections and measurement points for this test is shown in Figure 5.

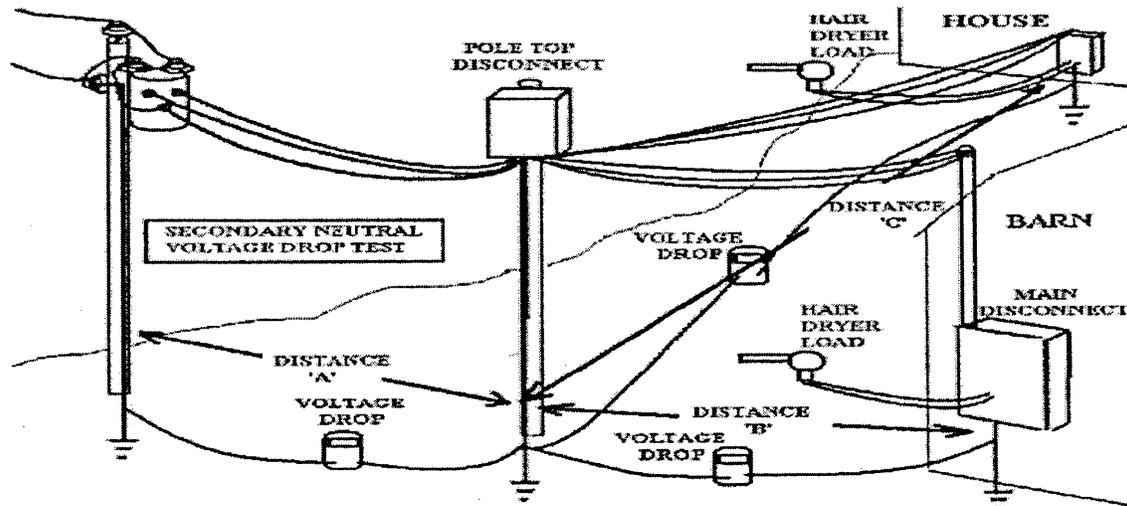


Figure 5, Secondary Neutral Voltage Drop Test Arrangement. (4-11-06)

- 03. Data Collection.** The following data shall be collected for each secondary neutral tested: (4-11-06)
- a. Gauge and type of neutral wire. (4-11-06)
  - b. Length of neutral wire. (4-11-06)
  - c. Neutral current,  $I_{sn}$ . (4-11-06)
  - d. Voltage drop ( $V_{DropM}$ ) between both ends of the secondary neutral being tested. (4-11-06)
  - e. Cow contact voltage ( $V_{cc}$ ) or current ( $I_{cc}$ ) at the same points used in the forty-eight (48) hour test. (4-11-06)
  - f. Primary neutral at the transformer to reference ground voltage,  $V_p$ . (4-11-06)
  - g. Secondary neutral to reference ground voltage,  $V_s$ . (4-11-06)

**04. Measurements.** The three (3) voltages ( $V_{cc}$ ,  $V_p$  and  $V_s$ ) shall be measured with the proxy load “off” and “on.” Calculated expected voltage drops ( $V_{DropC}$ ) (see Appendix 4) shall be compared with measured voltage drops ( $V_{DropM}$ ). If the measured and calculated voltage drops differ significantly, further investigation shall be undertaken to determine the source of additional voltage drop within the circuit. Neutral current shall be measured and recorded with the proxy load on ( $I_{sn}$ ). (4-11-06)

**05. Recording the Data.** Any person conducting this test shall record the location of, and measured values at, each test point. Data and calculation results for these test points shall be recorded on the form in Appendix 4. (4-11-06)

**077. TEST 5 -- THE LOAD BOX TEST (RULE 77).**

- 01. Purpose.** This test is used to determine the extent to which the primary system contributes to stray

current or voltage at cow contact points. For dairies with three (3) phase balanced primary service, the service provider shall perform Steps One and Two in Paragraph 077.02.b. below. (4-11-06)

**02. Conducting the Load Box Test.** This test shall be performed at the same time of day as the time(s) of highest cow contact voltage found in the forty-eight (48) hour test. During this test, voltage and current shall be measured and recorded at the points indicated in Figure 6.

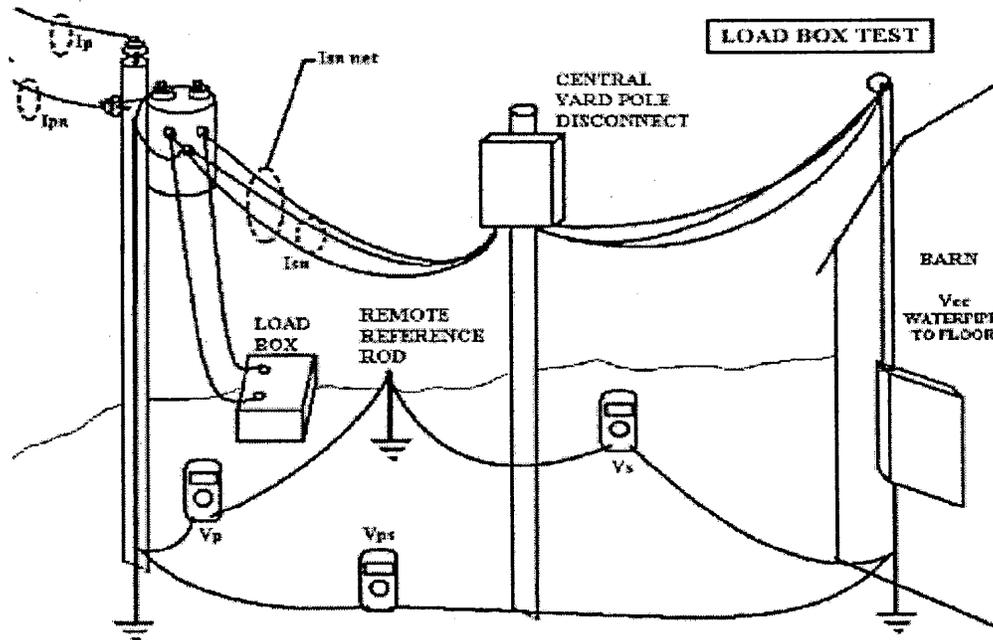


Figure 6, Load Box Test.

(4-11-06)

a. The load box test requires the recording of eight (8) data points during each of the five (5) test steps. The eight (8) data points that shall be measured or calculated and recorded for each step are: (4-11-06)

- i. Primary line to neutral voltage,  $V_{pri}$ . (4-11-06)
- ii. Load Box Current,  $I_{lb}$ . (4-11-06)
- iii. Voltage at load box connection to secondary system,  $V_{lb}$ . (4-11-06)
- iv. Calculate transformer current  $I_p$  using  $I_p = \frac{I_{lb} \times V_{lb}}{V_{pri}}$ . (4-11-06)
- v. Voltage from primary neutral at the transformer to remote reference ground rod,  $V_p$ . (4-11-06)
- vi. Voltage from secondary neutral in the service panel serving the area of the cow contact to remote reference ground rod,  $V_s$ . (4-11-06)
- vii. Voltage from primary neutral at the transformer to secondary neutral at the service panel serving the area of cow contact,  $V_{ps}$ . (4-11-06)
- viii. Cow contact voltage ( $V_{cc}$ ) or current ( $I_{cc}$ ) at the same point(s) used in the forty-eight (48) hour test. (4-11-06)

**b.** Except for dairies with three (3) phase balanced primary service, the following five (5) test steps shall each be conducted for at least two (2) minutes: (4-11-06)

i. Step One: The load box shall be de-energized, the dairy shall remain “on,” and the data shall be recorded. (4-11-06)

ii. Step Two: The load box shall be de-energized, the dairy shut “off,” and the data shall be recorded. (4-11-06)

iii. Step Three: The load box shall be set to half load, the dairy shut “off,” and the data shall be recorded. (4-11-06)

iv. Step Four: The load box shall be set to full load, the dairy shut “off,” and the data shall be recorded. (4-11-06)

v. Step Five: The load box shall be set to full load, the dairy shall be turned “on,” and the data shall be recorded. (4-11-06)

**03. Calculating the K Factor.** The K factor is a calculated ratio ( $V_{cc}/V_s$ ). The K factor should be less than one (1) because  $V_{cc}$  (cow contact voltage) should be less than  $V_s$  (the dairy ground to reference ground voltage). If the K factor is greater than one (1), then there is contribution to  $V_{cc}$  from sources other than  $V_s$ . (4-11-06)

**04. Recording the Data.** The person conducting this test shall record the location of, and measured values at, each test point. Data and calculation results for these test points shall be recorded on the form in Appendix 5. (4-11-06)

**078. TEST 6 -- SIGNATURE TEST (RULE 78).**

**01. Purpose.** This test is used to determine the contribution to stray current or voltage of individual pieces of equipment operating on the dairy. The test is best performed when there is minimal farm electrical activity. (4-11-06)

**02. Conducting the Signature Test.** During this test, individual pieces of major current drawing equipment shall be started and stopped. The effects of starting, operating, and stopping each piece of equipment shall be measured and recorded for a period of operation of at least fifteen (15) seconds. The person conducting the test shall identify and record the equipment being tested and record the specific times that the equipment was started and stopped. A digitizing data recorder with averaging capability shall be used to measure and record the required electrical data. These measurements shall be taken at the same locations at the dairy where measurements were taken for the purpose of the load box test and forty-eight (48) hour test. (4-11-06)

**a.** Voltage from primary neutral at the transformer to remote reference ground rod,  $V_p$ . (4-11-06)

**b.** Secondary neutral at the service panel serving the area of cow contact to remote reference ground voltage,  $V_s$ . (4-11-06)

**c.** Primary neutral voltage drop ( $V_{ps}$ ) from the location of connection for  $V_p$  to secondary neutral voltage at the location of the connection for  $V_s$ . (4-11-06)

**d.** Cow contact voltage ( $V_{cc}$ ) or current ( $I_{cc}$ ) at the preselected point. (4-11-06)

**03. Recording the Data.** All of the data gathered by the recording equipment during the signature test, including transients shall be downloaded and retained with the records of the investigation. In addition, the steady state data shall be summarized in the investigation report. The recorded data shall be made available to the dairy producer or utility upon request. The location of all test point(s) shall be recorded on the form in Appendix 6. A plot of the voltage versus time may be substituted for the recording of measured values on Appendix 6. (4-11-06)

**079. -- 080. (RESERVED)**

**ANALYSIS AND REPORTING THE DATA**  
**RULES 81 THROUGH 90**

**081. ANALYZING THE COLLECTED DATA (RULE 81).**

**01. Cow Contact Points.** Examine the data recorded for the forty-eight (48) hour test in Appendix 2 and determine the highest steady state value of cow contact voltage ( $V_{cc}$ ) or current ( $I_{cc}$ ). Determine the value of primary neutral to reference voltage ( $V_p$ ) that was present for the highest cow contact value. Record these values on the data sheet of Appendix 7. These values shall be identified as “test cow contact voltage or current” ( $V_{cc}$  48hr or  $I_{cc}$  48hr) and “primary neutral to reference voltage at time of maximum cow contact voltage or current” ( $V_p$  48hr). The three (3) data sets created from the values are: (4-11-06)

**a.** The primary to reference ground voltage and the cow contact voltage or current measured during the load box test (Appendix 5) with the farm power “off” and the load box “off” shall be recorded on the data sheet of Appendix 7 as  $V_p$  OFF and either  $V_{cc}$  OFF or  $I_{cc}$  OFF. (4-11-06)

**b.** The primary to reference ground voltage and the cow contact voltage or current measured with the load box set at one-half (1/2) load shall be recorded on the data sheet of Appendix 7 as  $V_p$  HALF LOAD and either  $V_{cc}$  HALF LOAD or  $I_{cc}$  HALF LOAD. (4-11-06)

**c.** The primary to reference ground voltage and the cow contact voltage or current measured with the load box at maximum shall be recorded on the data sheet of Appendix 7 as  $V_p$  FULL LOAD and either  $V_{cc}$  FULL LOAD or  $I_{cc}$  FULL LOAD. (4-11-06)

**02. Contributions to Stray Voltage or Current for Single Phase Dairies.** The utility contribution to cow contact voltage or current shall be determined using the following formula. Compare the values determined to the preventive action level (PAL).

Utility contribution to  
cow contact voltage = 
$$\frac{V_p 48 - V_p \text{ HALF}}{V_p \text{ FULL} - V_p \text{ HALF}} \times (V_{cc} \text{ FULL} - V_{cc} \text{ HALF}) + V_{cc} \text{ HALF}$$

or

Utility contribution to  
cow contact current = 
$$\frac{V_p 48 - V_p \text{ HALF}}{V_p \text{ FULL} - V_p \text{ HALF}} \times (I_{cc} \text{ FULL} - I_{cc} \text{ HALF}) + I_{cc} \text{ HALF}$$
 (4-11-06)

**03. Contributions to Stray Voltage or Current for Three Phase Dairies.** The utility contribution to cow contact voltage or current for dairies with three (3) phase balanced load service, shall be determined by directly using the results of the load box test results for Step 1 and Step 2 as specified in Paragraph 077.02.b. (4-11-06)

**a.** The  $V_{cc}$  measured during Step 1 of the load box with the load box “off” and the dairy “on” will be the total  $V_{cc}$ . (4-11-06)

**b.** The  $V_{cc}$  measured during Step 2 of the load box test with the load box “off” and the dairy “off” is the contribution to  $V_{cc}$  from the utility,  $V_{cc} \text{ utility}$ . (4-11-06)

**c.** The contribution to  $V_{cc}$  by the dairy is the difference between  $V_{cc}$  and  $V_{cc} \text{ utility}$ ,  $V_{cc} \text{ dairy} = V_{cc} - V_{cc} \text{ utility}$ . (4-11-06)

**082. REPORTING (RULE 82).**

Within a reasonable period of time after completion of any tests required to be performed by the utility under these rules, a qualified analyst shall prepare a written report. The report shall include a summary of the tests performed, a

copy of the sketch or drawing of the dairy prepared pursuant to Section 072, all of the data or results obtained from the tests, and an analysis of the data or results obtained from the tests. If remediation was required under these rules, the report shall specify the actions taken or to be taken. The utility shall provide a copy of the written report to the dairy producer. (4-11-06)

**083. -- 090. (RESERVED)**

**REMEDIAL ACTIONS AND COMMISSION PROCEEDINGS**  
**RULES 91 THROUGH 92**

**091. REMEDIATION (RULE 91).**

**01. Utility System.** If the utility is required to conduct remediation, it shall commence such remediation within five (5) business days. The utility shall diligently pursue to completion remedial procedures which shall reduce, and are reasonably likely to sustain, that portion of the stray current or voltage attributable to the utility's distribution system to a level equal to or less than fifty percent (50%) of the preventive action level (PAL). This may include addressing other off-dairy sources. (4-11-06)

**02. Other Dairies, Farms and Industrial Sites.** If a utility's contribution to stray voltage exceeds fifty percent (50%) of the preventive action level (PAL) and the utility determines that another customer is a significant contributing source of stray voltage, the utility shall notify both the dairy and the other customer in writing. (4-11-06)

**092. COMMISSION PROCEEDINGS (RULE 92).**

**01. Filing with the Commission.** All petitions seeking relief under Section 61-805, Idaho Code, shall be filed with the Commission Secretary pursuant to Section 005. Petitions shall conform to IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Section 053. The petitioner shall file an original and five (5) copies of the petition. (4-11-06)

**02. Contents of Petition.** The petition shall conform to IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Section 053. The petition shall contain background information, the date the notice was filed with the serving utility, a description of the alleged incident(s) of non-compliance with the Stray Current and Voltage Remediation Act, and the remediation actions (if any) undertaken by either the utility or the dairy. A copy of the utility's entire stray voltage report shall accompany the petition. (4-11-06)

**093. -- 999. (RESERVED)**

**APPENDIX 1**  
**TEST 1 – COW CONTACT POINT DATA FORM**

Dairy Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 Dairy Location: \_\_\_\_\_  
 Shunt Resistor: \_\_\_\_\_ ohm ( Rshunt )

Item #	Contact Point Identifier	Contact Point Description	Voltage Measured w/o Shunt Resistor Voc	Voltage Current Measured w/Shunt Resistor Vcc	Source Resistance Calculated Rsource	Comments
1						
2						

**TEST 1 – COW CONTACT POINT DATA FORM INSTRUCTIONS**

1. The total information provided by the contact point identification, the contact point description, and the dairy sketch(es) shall be sufficient to allow a third party to accurately repeat the test locating the correct cow contact points for a specific contact voltage.
2. The voltages measured in this test shall be determined using the same instrument(s) for both data points. One reading shall be taken immediately following the other using the same meter.
3. The actual source resistance is calculated from the known shunt resistance and the measured voltage.
4. Record comments as appropriate or necessary.

$$R_{\text{source}} = \frac{V_{\text{oc}} - V_{\text{shunt}}}{V_{\text{shunt}}} \times R_{\text{shunt}}$$

or

$$R_{\text{source}} = \frac{V_{\text{oc}}}{I_{\text{shunt}}} - R_{\text{shunt}}$$

**APPENDIX 2**

**TEST 2 – “48-HOUR” TEST REPORT FORM 1**

Customer Name:

Date:

Start Time:

Stop Time:

Contact Point Identifier Number

Hour	Time of Occurrence (Hr, Min) of Highest Steady State Vcc or Icc	Voltage Across (Current Thru) Rshunt Vcc or Icc	Primary Neutral to Referenced Ground Vp	Secondary Neutral to Reference Ground Vs	Primary to Secondary Voltage Drop Vps	Duration Steady State Vcc or Icc Exceeded PAL in One Hour Period
1						
2						

**TEST 2 - “48-HOUR” TEST REPORT FORM 1**  
**INSTRUCTIONS**

Record the following data with a long term digitizing data recorder or its equivalent for a minimum of 48 hours as specified in Rule 074:

- a. Voltage from primary neutral to remote reference ground, Vp, at transformer.
- b. Secondary neutral to remote reference ground voltage, Vs, at the electrical panel serving the area for the Vcc or Icc selected.

- c. Primary neutral to secondary neutral voltage, Vps, between points of connection for Vp and Vs.
- d. Steady state cow contact voltage or current at the preselected point(s) with the highest cow contact voltage or current recorded in Test 1, Vcc or Icc.

Steady State Data:

Steady state data recorded during the 48-hour test shall be presented in tabular format on Form 1 as described below, or it shall be presented graphically. Graphical presentation shall include a time scale for the entire recording period and a clear indication of the steady state readings of Vcc or Icc, Vp, Vs and Vps for the recording intervals. The scale(s) shall be such that steady state cow contact voltages or currents at or above the PAL are easily identifiable.

If using tabular format, the analyst shall enter data in the table for each hour of the 48 hours of the test in chronological order. The data recorded in the table shall include: the specific time that the highest steady state value of Vcc or Icc was recorded in that hour; all four corresponding data points recorded at that time (Vp, Vs, Vps and Vcc or Icc), and the total time during the hour that the steady state Vcc or Icc exceeded the PAL.

**TEST 2 – REPORT FORM 2**  
**SUPPLEMENTAL DATA FOR FARM OWNER**  
**TRANSIENT DEVIATIONS FOUND DURING “48-HOUR” TEST**

Customer Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 Start Time: \_\_\_\_\_ Stop Time: \_\_\_\_\_  
 Contact Point Identifier Number: \_\_\_\_\_

Hour	Time of Highest Peak Vcc (Icc)	Highest Voltage Recorded	Total Number Transient Deviations	No. Transient Deviations Exceeding 1.0 Volts with Peak Magnitude Greater than 1.0 Volts (2.0 milliamps)
1				
2				

Transient deviations occur due to electrical events such as motor starts. The PAL level is 1.0 volt for steady state voltages but PAL does not apply to transient voltage deviations.

**TEST 2 - “48-HOUR” TEST REPORT FORM 2**  
**INSTRUCTIONS**

Recording Transient Data:

For the purpose of identifying and reporting transient deviations, a transient deviation occurs when the recorded maximum Vcc or Icc in a recording interval exceeds two hundred percent (200%) of the steady state Vcc or Icc recording during the same recording interval.

Transient data recorded during the 48-hour test shall be presented in tabular format on the “48-hour Test – Transient Deviation Data” form as described below, or it shall be presented graphically. Graphical presentation shall

include a time scale for the entire recording period and a clear indication of the maximum Vcc or Icc recorded for the recording intervals. The scale(s) shall be such that Vcc transient deviations at or above two (2.0) volts, or Icc transient deviations at or above four (4) milliamps, are easily identifiable.

If using a tabular format, the analyst shall enter data in the table for each hour of the 48 hours of the test in chronological order. The data recorded in the table shall include; the specific time during the hour that the transient deviation in Vcc or Icc with the largest peak magnitude occurred, the corresponding peak Vcc or Icc, the total number of transient deviations recorded in that hour, and the total number of transient deviations recorded in that hour with a peak magnitude of two (2) or more volts for Vcc or four (4) or more milliamps for Icc.

**APPENDIX 3**

**TEST 3 – PRIMARY PROFILE DATA FORM**

Dairy Name:

Dairy Location:

Date:

Item	Pole Location & Identification	Time	Current Primary Ground I <sub>pg</sub>	Resistance Primary Ground R <sub>pg</sub>	Calculated Voltage (primary neutral-to-earth) V <sub>pne</sub>	Measured Voltage (primary neutral-to-earth) V <sub>pne</sub>	
#			(mA)	(Ohm)	(V)	(V)	Notes
1							
2							

Note: If V<sub>pne</sub> is measured it is not required to measure I<sub>pg</sub> and R<sub>pg</sub> for determination of the calculated V<sub>pne</sub>. In cases where V<sub>pne</sub> is calculated the following formula is used:

$$\text{Calculated } V_{pne} = (I_{pg} \times R_{pg}) / 1000$$

**APPENDIX 4**

**TEST 4 – SECONDARY NEUTRAL VOLTAGE DROP TEST**

Test Performed by:

Date:

Customer Name:

(All other farm loads must be off. Use only one load per circuit.)

	SITE:	1	2	3	4	5	
A	Site Location						Units
B	Circuit Neutral Wire Gauge						AWG
C	Circuit Neutral AL or CU						
D	Wire length (in 100's ft.)						100 ft.
E	Ω /100 ft.						Ω

F	Total Resistance (D times E)						$\Omega$
G	Measured Neutral Current, Isn						A
H	Calculated Voltage Drop, V <sub>DropC</sub> (F times G)						V
I	Measured Voltage Drop, V <sub>DropM</sub>						V
J	Percent difference [(H-I)/H]*100						%
	V <sub>p</sub> load "off"						V
	V <sub>s</sub> load "off"						V
	V <sub>cc</sub> load "off"						V
	I <sub>cc</sub> load "off," if measured						
	V <sub>p</sub> load "on"						V
	V <sub>s</sub> load "on"						V
	V <sub>cc</sub> load "on"						V
	I <sub>cc</sub> load "on," if measured						

**TEST 4 – SECONDARY NEUTRAL VOLTAGE DROP TEST  
INSTRUCTIONS**

**ITEM      EXPLANATION**

A-J      Describe load site location, neutral wire gauge, neutral wire length (in 100s of feet), resistance per 100 feet (see table below), measured neutral current, measured voltage drop, V<sub>p</sub>, V<sub>s</sub> and V<sub>cc</sub> or I<sub>cc</sub> for load "off" and load "on."

Voltage drop is measured from end-to-end of the secondary neutral being tested and the neutral bus of the building being tested. Electrical power to all buildings shall be turned-off during this test except at the building being tested. Locations of V<sub>p</sub>, V<sub>s</sub> and V<sub>cc</sub> or I<sub>cc</sub> are the same as measured during the previous tests.

Calculate the total circuit resistance. Calculate using Ohm's Law, the expected neutral voltage drop. Calculate the absolute value of the difference and divide by the expected voltage drop. Express this as a percentage. If the two values (measured voltage drop and calculated voltage drop) do not agree, further investigation is warranted to discover the reason for the discrepancy.

**Resistance Chart (ohm per 100 feet)**

**Multi-conductor Cables at 68 Degrees F.**

<b>MATERIAL</b>		
<b>GAUGE</b>	<b>AL</b>	<b>CU</b>
14	0.423	0.257
12	0.265	0.162
10	0.166	0.102
8	0.104	0.064
6	0.066	0.040
4	0.042	0.025
2	0.026	0.016
1	0.021	0.013
1/0	0.016	0.010
2/0	0.013	0.008
3/0	0.010	0.007
4/0	0.008	0.005

**APPENDIX 5**  
**TEST 5 – LOAD BOX TEST**

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Dairy: \_\_\_\_\_

	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>STEP 4</b>	<b>STEP 5</b>
	<b>FARM ON</b>	<b>FARM OFF</b>	<b>FARM OFF</b>	<b>FARM OFF</b>	<b>FARM ON</b>
Condition	Load Box Off	Load Box Off	Load Box Half On	Load Box Full On	Load Box Full On
Time:					
Vp	V	V	V	V	V
Vs	V	V	V	V	V
Vps	V	V	V	V	V
Vcc	V	V	V	V	V
Icc	A	A	A	A	A

Load Box Current (I <sub>lb</sub> ):	Half Load	A	Full Load	A
Load Box Voltage (V <sub>lb</sub> ):	Half Load	V	Full Load	V
Primary Nominal Voltage Phase to Neutral (V <sub>pri</sub> ):		V		
Transformer Current Due to Load Box (I <sub>XFMR</sub> ):	Half Load	A	Full Load	A

$$I_p = \frac{I_{lb} \times V_{lb}}{V_{pri}}$$

K-Factor for Cow Contact Point  $K = \frac{V_{cc}}{V_s}$

**TEST 5 - LOAD BOX TEST INSTRUCTIONS**

Note 1: Testing may be accomplished by a single 18/25 kW load box or a dual element 9/18 or 12.5/25 kW load box. The difference between full load and half load measurements is used in most calculations.

Note 2: If the dairy is found in an isolated condition, two load box tests must be performed: an isolated test and a non-isolated test.

Note 3: If the dairy is served by a three-phase system, measure and record only the dairy-off, load box off column and the dairy-on, load box off column or test only one phase of the three.

**ITEM EXPLANATION**

#

- 1 Enter date and customer name.
- 2 Attach load box to the 240-volt secondary side of transformer. Turn on load box and measure current and voltage and record on data sheet, Appendix 5.
- 3 Conduct load box test and for each step measure and record V<sub>p</sub>, V<sub>s</sub>, V<sub>ps</sub> and V<sub>cc</sub> or I<sub>cc</sub>. Each step shall be maintained for approximately two minutes with the highest reading during that time interval recorded.
  - Step 1 Farm power is “on” with load box “off”
  - Step 2 Farm power is “off” with load box “off”
  - Step 3 Farm power is “off” with load box “on” at half load
  - Step 4 Farm power is “off” with load box “on” at full load
  - Step 5 Farm power is “on” with load box “on” full load
- 4 Remove load box and restore normal power to the farm.

**APPENDIX 6**

**TEST 6 – EQUIPMENT SIGNATURE TEST FORM**

Dairy Name:  
 Date:  
 Location:

Descr. of Load	Location of Load	Load V	Load kW or HP	Load Phase 1 or 3	Load On						Load Off					
					Time	Vp	Vs	Vps	Vcc	Icc	Time	Vp	Vs	Vps	Vcc	Icc
1																
2																

**TEST 6 - EQUIPMENT SIGNATURE TEST FORM INSTRUCTIONS**

**ITEM INSTRUCTIONS**

- 1 Enter the date the test is performed.
- 2 Enter the name of the dairy.
- 3 Enter the description of the load for which the signature will be recorded.
- 4 Provide a complete description of the load. Provide voltage, horsepower or kilowatt rating, if known.
- 5 Note the time of turn-on and the time of turn-off. Equipment should be “on” for a period of not less than 15 seconds. If equipment is found in the “on” condition, turn it “off” then turn it back “on.” If equipment cannot be manually cycled then record data at the next “on” – “off” cycle.
- 6 Repeat for all major circuits and pieces of equipment (both 120 volt and 240 volt). Some equipment may normally be operated in sequence. Start each piece of equipment at 15-second intervals until all are running, then turn off in reverse order at 15-second intervals.
- 7 If data is to be provided graphically, only load description and time are required to be provided on Test 6 data sheet. Operation of each piece of equipment shall be indicated on the graphical data sheet(s).

**APPENDIX 7**

**PREVENTIVE ACTION LEVEL RESULTS**

Enter the highest value of cow contact voltage or current that occurred during the 48-hour test from Appendix 2, and corresponding primary to reference ground voltage.

V<sub>p</sub>48hr : \_\_\_\_\_ V    V<sub>cc</sub>48hr : \_\_\_\_\_ V    or    I<sub>cc</sub> 48hr : \_\_\_\_\_ A

Enter the value of cow contact voltage or current and corresponding primary to reference ground voltage that was present during the load box test with the farm power off and the load box off.

V<sub>p</sub> OFF : \_\_\_\_\_ V    V<sub>cc</sub> OFF : \_\_\_\_\_ V    or    I<sub>cc</sub> OFF : \_\_\_\_\_ A

Enter the value of cow contact voltage or current and corresponding primary to reference ground voltage that was present during the load box test with the farm power off and the load box set at half load.

V<sub>p</sub> HALF LOAD : \_\_\_\_\_ V    V<sub>cc</sub> HALF LOAD : \_\_\_\_\_ V    or I<sub>cc</sub> HALF LOAD : \_\_\_\_\_ A

Enter the value of cow contact voltage or current and corresponding primary to reference ground voltage that was present during the load box test with the farm power off and the load box at maximum.

V<sub>p</sub> FULL LOAD : \_\_\_\_\_ V    V<sub>cc</sub> FULL LOAD : \_\_\_\_\_ V    or    I<sub>cc</sub> FULL LOAD : \_\_\_\_\_ A

Calculations:

Utility Contribution to

$$\text{Cow Contact Voltage} = \frac{V_{p48hr} - V_{pHALF}}{V_{pFULL} - V_{pHALF}} \times (V_{ccFULL} - V_{ccHALF}) + V_{ccHALF}$$

Utility contribution to cow contact voltage = \_\_\_\_\_ V

Utility contribution to cow contact voltage as a percentage of V<sub>cc</sub> 48hr = \_\_\_\_\_ %

Utility contribution to cow contact voltage as a percentage of PAL = \_\_\_\_\_ %

Utility Contribution to

$$\text{Cow Contact Current} = \frac{V_{p48hr} - V_{pHALF}}{V_{pFULL} - V_{pHALF}} \times (I_{ccFULL} - I_{ccHALF}) + I_{ccHALF}$$

Utility contribution to cow contact current = \_\_\_\_\_ mA (milliamps)

Utility contribution to cow contact current as a percentage of I<sub>cc</sub> 48hr = \_\_\_\_\_ %

Utility contribution to cow contact current as a percentage of the PAL = \_\_\_\_\_ %

See Section 071.02 for required actions based on these results.

**IDAPA 31  
TITLE 71  
CHAPTER 01**

**31.71.01 – RAILROAD CLEARANCE RULES**

**000. LEGAL AUTHORITY (RULE 0).**

These rules are adopted under the general authority of the Idaho Public Utilities Law, Chapters 1-7, Title 61, Idaho Code, Chapter 3, Title 62, Idaho Code, and Chapter 12, Title 62, Idaho Code, and specific authority of Sections 61-110, 61-111, 61-129, 61-302, 61-501, 61-507, 61-510, 61-512, 61-515, 61-517, 62-301 through 62-308, and 62-1201 through 62-1207, Idaho Code. (7-1-93)

**001. TITLE AND SCOPE (RULE 1).**

The title of these rules is "Railroad Clearance Rules." The scope of these rules is that they determine railroad clearance standards for all railroad track located in Idaho. (7-1-93)

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (6-30-19)T

**003. ADMINISTRATIVE APPEALS (RULE 3).**

There are no administrative appeals under these rules. All requests for exemptions or waivers should be submitted directly to the Commission in accordance with the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

**004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).**

All requests for waivers of these rules are public records subject to inspection, examination and copying under the Public Records Act. All informal complaints concerning compliance with these rules are investigatory records exempt from disclosure under the Public Records Act. All formal complaints concerning compliance with these rules are public records subject to inspection, examination and copying under the Public Records Act. (7-1-93)

**005. DEFINITION (RULE 5).**

**01. Height of a Freight Car.** "Height of a freight car" is the distance between the top of rail and the highest point of the car. (7-1-93)

**02. Icing Platform.** "Icing platform" includes structures used in performing the service of icing, cooling, heating, ventilating and servicing of cars used in the handling of commodities requiring these services. (7-1-93)

**03. Overhead Clearance.** "Overhead clearance" is that distance measured along a line which is perpendicular to and joins a horizontal plane passing through the top of the highest rail and the lowest point of the structure of obstruction overhead. (7-1-93)

**04. Side Clearance.** "Side clearance" is the shortest distance from centerline of track to a structure or obstruction at the side of the track. (7-1-93)

**05. Track Clearance.** "Track clearance" is the shortest horizontal distance between the centerlines of adjacent tracks. (7-1-93)

**06. Width of a Freight Car.** "Width of a freight car" is twice the distance from the center line of the car to its extreme outside part. (7-1-93)

**006. -- 007. (RESERVED)**

**008. EXEMPTIONS (RULE 8).**

Exemptions from any of the requirements of these rules will be considered by the Commission upon proper application or notice from the carriers, industries, or other interested persons. An application for exemption must be

accompanied by a full statement of the conditions existing and the reasons why the exemption is requested. Any exemption granted shall be limited to the particular case covered by the application. (7-1-93)

**009. EMERGENCIES (RULE 9).**

No restricted clearance in these rules shall apply to falsework, shoo-fly tracks, or other temporary emergency conditions caused by derailments, wash-outs, slides, or other unavoidable accidents or disasters. No restricted clearance in these rules shall apply to ballast, track material or construction material unloaded on and adjacent to tracks for use there or in the immediate vicinity, nor shall it apply to false work or temporary construction necessary on any construction project. (7-1-93)

**010. MODIFICATIONS (RULE 10).**

The Commission reserves the right to modify, in accordance with its Rules of Procedure, IDAPA 31.01.01.000 et seq., any of the provisions of these rules. (7-1-93)

**011. -- 050. (RESERVED)**

**APPLICABILITY OF CLEARANCES**  
**RULES 51 THROUGH 100**

**051. OVERHEAD CLEARANCE -- APPLICABILITY (RULE 51).**

Overhead clearances authorized in these rules are applicable to tracks on which freight cars having a height from the top of the rail to the highest point of the car of fifteen feet six inches (15'6") or less are transported. In the case of cars or loads exceeding fifteen feet six inches (15'6"), the overhead clearance provisions and excess height provisions of Rules 501 through 502 and 601 through 607 must be complied with unless the railroad prohibits its personnel from occupying the top of freight cars in train service. (7-1-93)

**052. EXCEPTION TO OVERHEAD CLEARANCE RULES (RULE 52).**

Overhead impairments will be granted without application or a hearing upon consent of the operating railroad, provided that the National Electric Safety Code, as adopted by this Commission at the time in question, is not violated. Overhead impairments created by the railroad, not violating the National Electrical Safety Code, as adopted by this Commission at the time in question, will not require a variance from this Commission. Notice of the impairment and condition must be given to the Commission by letter. (7-1-93)

**053. SIDE CLEARANCES (RULE 53).**

Side clearances authorized in these rules are applicable to tracks on which freight cars having an overall width not greater than ten feet ten inches (10'10") are transported. In the case of cars or loads exceeding ten feet ten inches (10'10"), Rules 501 through 502 and 601 through 607 must be complied with. (7-1-93)

**054. -- 100. (RESERVED)**

**SPECIAL PROVISIONS**  
**RULES 101 THROUGH 200**

**101. FACILITIES EXISTING BEFORE APRIL 1, 1955 (RULE 101).**

All structures, operating appurtenances, pole lines, service facilities and track arrangements existing before April 1, 1955, shall be exempt from these rules except as provided by these rules. (7-1-93)

**102. CHANGES IN EXISTING TRACKS (RULE 102).**

No change in track location or elevation shall be made which will reduce existing vertical or horizontal structural clearance below the minimums specified in these rules. (7-1-93)

**103. REPAIRS TO EXISTING STRUCTURES (RULE 103).**

No repair or maintenance work shall be done on structures, facilities or appurtenances adjacent to tracks which will reduce existing vertical or horizontal structural clearance below the minimum specified in these rules. (7-1-93)

**104. EXISTING STRUCTURES NOT COMPLYING WITH THESE RULES (RULE 104).**

Where a structure existing before April 1, 1955, does not provide clearance equal to the minimum that is required by

these rules, the portion of the structure producing the impaired clearance may be repaired and maintained by partial replacements. In no case shall the clearance available after April 1, 1955, be reduced. (7-1-93)

**105. REPLACEMENT OF STRUCTURES NOT COMPLYING WITH THESE RULES (RULE 105).**

When the owner shall replace it its entirety the portion of a structure which does not meet the clearance standards of these rules, the rebuilt portion must meet the full standard clearance of these rules unless otherwise ordered by the Commission. (7-1-93)

**106. EXISTING TRACKS (RULE 106).**

Existing tracks of all kinds may be maintained by reballasting, resurfacing and replacing rails and ties. Where existing yards are completely replaced or are partially replaced as a unit or section of a master plan, the arrangement must meet the provisions of these rules both as to track centers and clearance to structures and other facilities being built in connection with and as a part of such plan. Existing structures which are to remain and which do not provide the minimum clearance with respect to the proposed new tracks must be approved by the Commission for exemption from the terms of these rules. (7-1-93)

**107. EXISTING TRACKS NOT MEETING CLEARANCE STANDARDS (RULE 107).**

Tracks laid before April 1, 1955, having less vertical clearance than required by the rules may be maintained, but the top of rail may not be raised without raising the overhead structure an equal distance to maintain the existing available clearance. Tracks laid before April 1, 1955, having less horizontal clearance between them than required by these rules for new construction, or having less horizontal clearance to structures than required by these rules, may be maintained, but they may not be shifted horizontally to reduce either the existing track centers or the existing structural clearance. (7-1-93)

**108. ENGINE HOUSE AND SHOP FACILITIES (RULE 108).**

The clearances provided in these rules shall not apply to railroad's engine houses, engine house facilities and shop buildings. (7-1-93)

**109. -- 200. (RESERVED)**

**OVERHEAD CLEARANCES**  
**RULES 201 THROUGH 300**

**201. OVERHEAD CLEARANCE IN GENERAL (RULE 201).**

The allowable clearances are: (7-1-93)

**01. Begun, Installed or Constructed After April 1, 1955.** For structures, operating appurtenances, pole lines, service facilities and track arrangements begun, installed or constructed after April 1, 1955, and before September 1, 1980 twenty-two feet six inches (22'6"). (7-1-93)

**02. Begun, Installed or Constructed After September 1, 1980.** For structures, operating appurtenances, pole lines, service facilities and track arrangements begun, installed or constructed after September 1, 1980, the vertical clearance required by the owner of the railroad tracks or twenty-two feet six inches (22'6"), whichever is greater. (4-5-00)

**03. Structures on Main Lines.** For structures on main lines identified by railroad for possible electrification: (7-1-93)

**a.** At twenty-five (25) kilovolts twenty-four feet three inches (24'3"); or (7-1-93)

**b.** At fifty (50) kilovolts twenty-six (26') feet. (7-1-93)

**202. OVERHEAD CLEARANCE IN BUILDINGS (RULE 202).**

The general rule is that side clearances must be at least eighteen (18') feet. The overhead clearance inside an entirely enclosed building may be reduced to eighteen (18') feet, provided that this clearance shall apply only to tracks terminating within the building or in the immediate plant area if the track extends through the building, and further provided, that when an overhead clearance in the building is less than twenty-two feet six inches (22'6"), all cars,

locomotives or other equipment shall be brought to a stop before entering the enclosed building. (7-1-93)

**203. OVERHEAD CLEARANCE IN TUNNELS AND BRIDGES (RULE 203).**

Minimum overhead clearance in tunnels and through bridges may be decreased to the extent defined by the half-circumference of a circle having a radius of eight (8') feet and tangent to a horizontal line twenty-two feet six inches (22'6") above top of rail at a point directly above the centerline of track. (7-1-93)

**204. DECREASES IN OVERHEAD CLEARANCES PRESCRIBED IN RULE 201 (RULE 204).**

Minimum overhead clearance as prescribed in Rule 201 may be decreased to the extent defined by the half-circumference of a circle having a radius of eight feet six inches (8'6") and tangent to a horizontal line at the height prescribed by Rule 201 above the top of rail at a point directly over the centerline of track. (7-1-93)

**205. -- 300. (RESERVED)**

**SIDE CLEARANCES**  
**RULES 301 THROUGH 400**

**301. SIDE CLEARANCE IN GENERAL (RULE 301).**

The general rule is that side clearances must be at least eight feet six inches (8'6"). To further reduce operational hazards, it is recommended that, wherever practicable, all posts, pipes, warning signals and other small obstructions be given a side clearance of ten (10') feet. (7-1-93)

**302. SIDE CLEARANCE AT PLATFORMS (RULE 302).**

**01. Eight Inches.** Eight (8") inches or less above top of rail -- four feet eight inches (4'8"). (7-1-93)

**02. Four Feet.** Four (4') feet or less above top of rail -- seven feet three inches (7'3"). (7-1-93)

**03. Four Feet Six Inches.** Four feet six inches (4'6") or less above top of rail when used principally for loading or unloading refrigerator cars if constructed after April 1, 1955, but before September 1, 1980 -- eight (8) feet, if constructed after September 1, 1980 -- eight feet six inches (8'6"). (7-1-93)

**04. Platforms.** Platforms complying with Subsection 302.01 of this rule may be combined with those complying with Subsections 302.02 and 302.03, provided that the lower platform presents a level surface from a point not more than four feet eight inches (4'8") from centerline of track to the face of the wall of the platform with which it is combined. No other combinations will be permitted. (7-1-93)

**303. ICING PLATFORMS AND SUPPORTS (RULE 303).**

The general rule is that icing platforms and supports must have side clearances of at least six feet eight inches (6'8"). The dimension of six feet eight inches (6'8") shall apply to the platform at eave height of car. The supports of this platform shall provide clearance of eight (8') feet if constructed after April 1, 1955, but before September 1, 1980, and eight feet six inches (8'6") if constructed after September 1, 1980. (7-1-93)

**304. PLATFORMS OTHER THAN ABOVE (RULE 304).**

The general rule is that platforms not listed in earlier rules must have side clearance of at least eight feet six inches (8'6"). Retractable platforms, either sliding or hinged, which are attached to a permanent structure must be so constructed that, when retracted or in nonworking position and firmly secured or anchored, the resulting clearance shall not be less than the clearances provided in these rules. (7-1-93)

**305. EXTENSION OF EXISTING PLATFORMS (RULE 305).**

Platforms which were constructed at prevailing clearances or clearances then authorized by this Commission's rules may be extended at existing clearances. (7-1-93)

**306. SIDE CLEARANCE -- BRIDGES AND TUNNELS (RULE 306).**

The general rule is that side clearances for bridges and tunnels must be at least eight (8') feet. (7-1-93)

**307. BRIDGES AND TUNNELS -- UPPER SECTION (RULE 307).**

Side clearance in through bridges and tunnels may be decreased to the extent defined by the half circumference of a circle having a radius of eight (8') feet and tangent to a horizontal line twenty-two feet six inches (22'6") above top of rail directly above centerline of track. See Rule 203. (7-1-93)

**308. BRIDGES -- LOWER SECTION AND STRUCTURES FOUR FEET HIGH OR LESS -- GUARDS AND CATTLE CHUTES -- HAND RAILS ON BRIDGES AND TRESTLES -- OIL COLUMNS -- WATER BARRELS -- WATER COLUMNS (RULE 308).**

Through bridges supporting track affected, hand rails, water barrels and refuge platforms on bridges and trestles, water columns, oil columns, block signals, cattle guards and cattle chutes, or portions thereof, four (4') feet or less above top of rail, may have clearances decreased to the extent defined by a line extending diagonally upward from a point level with the top of rail and five (5') feet distance laterally from centerline of track to a point four (4) feet above top of rail and eight (8') feet distant laterally from centerline of track: Provided that the minimum clearance for hand rails and water barrels shall be seven feet six inches (7'6") and the minimum clearance for fences of cattle guards shall be five feet nine inches (5'9"). Unless previously approved, the clearances authorized in this rule, except as provided for hand rails and water barrels, are not permitted on through bridges where the work of trainmen or yardmen requires them to be upon the decks of such bridges for the purpose of coupling or uncoupling cars in the performance of switching service on a switching lead. (7-1-93)

**309. SIDE CLEARANCE INTERLOCKING MECHANISM SWITCH BOXES, ETC. (RULE 309).**

The minimum side clearance for interlocking mechanism switch boxes, etc., is three (3') feet. Switch boxes, switch operating mechanism necessary for the control and operation of signals and interlocks projecting four (4") inches or less above top of rail. (7-1-93)

**310. SIDE CLEARANCE -- MAIL CRANES AND TRAIN ORDER STANDS WHEN NOT IN OPERATIVE POSITION (RULE 310).**

The minimum side clearance for mail cranes and train order stands when not in operative condition is eight feet six inches (8'6"). (7-1-93)

**311. SIDE CLEARANCE -- POLES SUPPORTING TROLLEY CONTACT (RULE 311).**

The minimum side clearance for poles with conductors supplying motive power to track affected--of bracket construction is eight feet three inches (8'3"). (7-1-93)

**312. SIDE CLEARANCE -- POLES OTHER THAN TROLLEY POLES (RULE 312).**

The minimum side clearance for poles other than trolley poles is eight feet six inches (8'6"). The clearance for poles other than trolley poles provided in the National Electrical Safety Code, as adopted by this Commission at the time in question, shall be governed by the provisions of the Code. (7-1-93)

**313. SIDE CLEARANCE SIGNALS AND SWITCH STANDS THREE FEET HIGH OR LESS ABOVE THE TOP OF THE RAIL (RULE 313).**

The minimum height of signals and switch stands when located between tracks where not practicable to provide clearances otherwise prescribed in these rules is at least six (6') feet. (7-1-93)

**314. SIDE CLEARANCE -- SIGNALS AND SWITCH STANDS OTHER THAN ABOVE (RULE 314).**

The minimum side clearance for signals and switch stands other than above is at least eight (8') feet. (7-1-93)

**315. SIDE CLEARANCE ON CURVED TRACK (RULE 315).**

Side clearances on all structures adjacent to curved track shall be increased as necessary to give the equivalent of tangent track clearances. As a general rule, the side clearance on curved track should be increased one and one-half inches (1 1/2") for each degree of curvature. (7-1-93)

**316. SIDE CLEARANCES -- MATERIAL OR MERCHANDISE ADJACENT TO TRACKS (RULE 316).**

No merchandise, material or other articles shall be placed or stored on the ground or platforms adjacent to any track at a distance less than eight feet six inches (8'6") from the centerline of track, except in cases of maintenance or emergency when such material is to be used within a reasonable period of time or where local conditions make compliance with this rule impossible. (7-1-93)

**317. -- 400. (RESERVED)**

**TRACK CLEARANCES  
RULES 401 THROUGH 500**

**401. TRACK CLEARANCES -- IN GENERAL (RULE 401).**

The minimum distance between the center line of parallel standard gauge railroad tracks, which are used or proposed to be used for transporting cars, engines, motors or like equipment, shall be fourteen (14') feet, except as otherwise prescribed in these rules. (7-1-93)

**402. TRACK CLEARANCES -- MAIN AND SUBSIDIARY TRACKS (RULE 402).**

The centerline of any standard gauge track, except a main track or a passing track, parallel and adjacent to a main track or a passing track shall be at least fifteen (15') feet from the centerline of such main track or passing track; provided, however, that where a passing track is adjacent to and at least fifteen (15') feet distant from the main track, any other track may be constructed adjacent to such passing track with clearance prescribed in Rule 401. (7-1-93)

**403. TRACK CLEARANCES -- PARALLEL TEAM, HOUSE OR INDUSTRY TRACKS (RULE 403).**

Minimum clearances between centerlines of parallel team, house or industry tracks shall be thirteen (13') feet. (7-1-93)

**404. TRACK CLEARANCES -- PARALLEL LADDER OR LADDER AND OTHER TRACK (RULE 404).**

The centerline of any standard gauge ladder track, constructed parallel to any other track, shall have a clearance of not less than twenty (20') feet from the centerline of such other track. (7-1-93)

**405. TRACK CLEARANCES -- EXISTING TRACKS (RULE 405).**

Existing tracks laid at prevailing clearances then authorized by this Commission's rules may be extended at these clearances. (7-1-93)

**406. -- 500. (RESERVED)**

**MARKING OF CARS  
RULES 501 THROUGH 600**

**501. CARS EXCEEDING FIFTEEN FEET SIX INCHES IN HEIGHT (RULE 501).**

Each car of a height exceeding fifteen feet six inches (15'6") from top of rail to the highest point of the car, the movement of which is authorized by these rules, shall be marked, stenciled or placarded, and such markings maintained in a legible condition to read:

**This Car  
EXCESS  
HEIGHT**

The words "EXCESS HEIGHT" must occupy the greater portion of a rectangular space seven by ten inches (7" x 10") enclosed within a three-quarter inch (3/4") solid border. The markings required shall be made permanent on owned cars before their use. Lettering and border of signs shall be of colors contrasting to that of the car body. All such required marking and placarding shall be placed on the side adjacent to the ladder or handholds near the floor line of the car at each of the four (4) corners. (7-1-93)

**502. CARS EXCEEDING TEN FEET TEN INCHES IN WIDTH (RULE 502).**

Each car of a width exceeding ten feet ten inches (10'10"), the movement of which is authorized by these rules, shall be marked, stenciled or placarded, and such markings maintained in a legible condition to read:

**This Car  
EXCESS  
WIDTH**

The words "EXCESS WIDTH" must occupy the greater portion of a rectangular space seven by ten inches (7" x 10") enclosed within a three-quarter inch (3/4") solid border. The markings required shall be made permanent on owned cars before their use. Lettering and border of signs shall be of colors contrasting to that of the car body. All such required marking and placarding shall be placed on the side or end adjacent to the ladder or handholds near the floor line of the car at each of the four (4) corners. (7-1-93)

**503. -- 600. (RESERVED)**

**OPERATIONS OF EXCESS DIMENSION LOADS  
RULES 601 THROUGH 700**

**601. CARS CONTAINING LADING IN EXCESS OF FIFTEEN FEET SIX INCHES HIGH AND/OR FIVE FEET FIVE INCHES FROM CENTERLINE OF CAR (RULE 601).**

Each open-top car containing lading of height exceeding fifteen feet six inches (15'6") above top of rail, or which extends laterally more than five feet five inches (5'5") from the centerline of the car, the movement of which is authorized by these rules, shall be marked, stenciled or placarded, and such marking maintained in a legible condition to read:

<b>This car EXCESS EXCESS HEIGHT</b>	<b>and/or</b>	<b>This car EXCESS EXCESS WIDTH</b>
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The words "EXCESS HEIGHT" and/or "EXCESS WIDTH" must occupy the greater portion of a space seven by ten inches (7" x 10") enclosed within a three-quarter inch (3/4") solid border. Letters and border shall be of colors contrasting to the car body. These required markings and placarding shall be placed on the side or end adjacent to the ladder or handholds near the floor line of the car at each of the four (4) corners where practicable, and in addition one of these signs shall be placed on each side of the load in a conspicuous position before the car is used. (7-1-93)

**602. CARS CONTAINING LADING WHICH EXTENDS Laterally IN EXCESS OF FIVE FEET FIVE INCHES (RULE 602).**

The movement of open-top cars containing lading which extends laterally in excess of five feet five inches (5'5") is authorized if the lading is of such a nature that it cannot practically be reduced in dimensions. (7-1-93)

**603. MOVEMENT AND NOTICE OF EXCESS HEIGHT AND/OR EXCESS WIDTH CARS AND LOADS (RULE 603).**

The movement of all open-top cars having lading in excess of fifteen feet six (15'6") inches in height, or which extends laterally in excess of five feet five inches (5'5") from centerline of car, will be authorized by written notice to the train crew stating the total number of such cars, and specifying that no member of the train crew will ride on top of such high car or the side of any such wide car. (7-1-93)

**604. WRITTEN NOTICE OF EXCESS HEIGHT OR EXCESS WIDTH RULE 604).**

A written notice shall be delivered to every train containing any car, the lading of which extends laterally in excess of five feet five inches (5'5") from the centerline of the car or which is in excess of fifteen feet six inches (15'6") in height above top of rails, informing the crew of the train that the train includes such car or cars, stating the total number of these cars and advising that no member of the train crew will ride on the side of any such wide car or the top of any such high car. (7-1-93)

**605. NOTICE TO YARD SUPERVISORS (RULE 605).**

Yard supervisors shall be notified sufficiently in advance of the arrival of such wide loads as described in Rule 603 as to enable them to take necessary precautions to safeguard employees in yard. (7-1-93)

**606. LOADS WHICH CANNOT BE PASSED OVER BY EMPLOYEES (RULE 606).**

Open-top cars containing lading having an overall height in excess of fifteen feet six inches (15'6") above top of rail or a width which extends laterally in excess of five feet five inches (5'5"), if otherwise in compliance with these requirements, and the nature of which precludes the possibility of employees passing over the cars, are exempt from

the provisions of Rules 603, 604 and 605, but written notice must be given to all members of the train crew informing them of the presence of such loads. (7-1-93)

**607. EXEMPTIONS (RULE 607).**

The common carrier railroads are authorized to move excess height loads and excess width loads, as described in Rule 601, over roads or portions thereof, without complying with the provisions of Rule 6, provided that clearances equivalent to the minimum prescribed by these rules for cars having a height of fifteen feet six inches (15'6") and width of ten feet ten inches (10'10") are maintained. (7-1-93)

**608. -- 999. (RESERVED)**

**IDAPA 31  
TITLE 71  
CHAPTER 03**

**31.71.03 – RAILROAD SAFETY AND ACCIDENT REPORTING RULES**

**000. LEGAL AUTHORITY (RULE 0).**

These rules are adopted under the general authority of the Idaho Public Utilities Law, Chapters 1-7, Title 61, Idaho Code, and the specific authority of Sections 61-515 and 61-515A, Idaho Code. (3-30-01)

**001. TITLE AND SCOPE (RULE 1).**

**01. Title.** The title of these rules is “Railroad Safety and Accident Reporting Rules.” (4-2-08)

**02. Scope.** The scope of these rules set safety, sanitation, and accident reporting standards that railroads must meet while operating in Idaho. (4-2-08)

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

The Public Utilities Commission does not have written interpretations or agency guidelines for these rules. (7-1-93)

**003. ADMINISTRATIVE APPEALS (RULE 3).**

There are no administrative appeals under these rules. (7-1-93)

**004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).**

Most documents regarding these rules are public records. Accident investigative reports by the Commission or the Commission Staff may be investigatory records exempt from disclosure under Section 74-105(1), Idaho Code. Accident reports required by these rules and the results of further investigations by the Commission are prohibited from admission into evidence in any action for damages based on or arising out of the loss of life or injury to the person or property pursuant to Section 61-517, Idaho Code. (4-2-08)

**005. DEFINITION (RULE 5).**

The terms “railroad” has the meaning given to it by statute in Chapter 1, Title 61, Idaho Code, orders of the Idaho Public Utilities Commission, and decisions of the Supreme Curt of Idaho construing these statutes. (7-1-93)

**006. -- 007. (RESERVED)**

**008. INCORPORATION BY REFERENCE – CODE OF FEDERAL REGULATIONS (RULE 008).**

The Code of Federal Regulations (CFR) is referred to in Rules 103 and 104. The annual volumes of the CFR may be obtained on the web from the U.S. Government Bookstore, <http://bookstore.gpo.gov/> and click on “Code of Federal Regulations,” or by calling toll-free 866-512-1800. The full text of the CFR is also available in electronic format at <http://www.gpoaccess.gov/cfr/index.html>. The incorporated CFR Parts are also available for inspection and copying at the office of the Idaho Public Utilities Commission and the Idaho State Law Library. Whenever a federal regulation is adopted by reference in these rules, subsequent annual recompilations are also adopted by reference, but subsequent amendments to the CFR are not adopted by reference. (4-7-11)

**009. -- 100. (RESERVED)**

**SAFETY, SANITATION CONDITIONS, AND ACCIDENT REPORTING FOR RAILROADS  
(RULES 101 THROUGH 200)**

**101. FIRST AID KIT REQUIRED (RULE 101).**

**01. First Aid Kit.** A First Aid Kit required under Section 61-515A, Idaho Code, will as a minimum consist of the following or its equivalent: (7-1-93)

**a.** One (1) package aromatic spirits of ammonia ampoules. (7-1-93)

- b. Two (2) triangle bandages. (7-1-93)
- c. Four (4) three inch by three inch (3" x 3") or four inch by four inch (4" x 4") compresses. (7-1-93)
- d. Ten (10) yards of two (2") inch roller bandage. (7-1-93)
- e. One (1) package (minimum sixteen three-fourths inch (16-3/4") band-aids. (7-1-93)
- f. Five (5) yards one-half inch (1/2") adhesive tape. (7-1-93)
- g. One (1) package burn ointment or other burn compound. (7-1-93)
- h. First Aid Book. (7-1-93)

**02. Removal of First Aid Kit.** No person or employee of any railroad company shall remove, carry away from its proper place or use any emergency first aid kit provided in locomotives or cabooses as required by Section 61-515A, Idaho Code, except for the purpose of administering first aid in the event of injury to any employee or other person in an accident. (7-1-93)

**102. SANITARY CUPS AND SANITARY DRINKING WATER (RULE 102).**

**01. Water.** An adequate supply of cool, clean, sanitary water, satisfactory for drinking purposes, shall be made available to all employees. Drinking water shall be obtained only from sources approved by the State Department of Health, an approved water line, or commercially bottled water. (4-11-19)

**02. Water Containers.** When necessary, this water shall be provided in suitable, clean, sterilized and sanitary containers conveniently placed for the use of employees, but not in toilet rooms. Each container shall be equipped with an approved type of fountain, approved faucet, or other approved dispenser. (7-1-93)

**03. Cleansed and Sterilized.** All containers used to furnish drinking water shall be thoroughly cleansed and sterilized as often as necessary to assure a clean and sanitary water supply. (7-1-93)

**04. Common Drinking Cup Prohibited.** The common drinking cup for public use is prohibited; either single service containers or drinking fountains with sanitary angle head, shall be used in lieu thereof. (7-1-93)

**103. TRANSPORTATION OF HAZARDOUS MATERIAL BY RAIL (RULE 103).**

**01. Hazardous Material Defined.** "Hazardous material" means a substance or material which has been determined by the United States Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated by the Secretary of Transportation. The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials as defined in 49 C.F.R. Section 171.8, materials designated as hazardous under the provisions of 49 C.F.R. Section 172.101, and materials that meet the defining criteria for hazardous classes and divisions in 49 C.F.R. Part 173. (3-30-01)

**02. Adoption of Federal Safety Regulations.** The Commission hereby adopts by reference 49 C.F.R. Parts 107, 171, 172, 173, 174, 178, 179, and 180 (October 1, 2014). All customers offering hazardous materials for shipment by rail and all railroads operating in Idaho that transport hazardous materials listed in, defined by, or regulated by the adopted federal safety regulations must comply with 49 C.F.R. Parts 107, 171, 172, 173, 174, 178, 179 and 180. (3-25-16)

**03. Recognition of Federal Exemptions.** Whenever a railroad or shipper has applied to a federal agency and has been granted an exemption from the transportation or packaging requirements of the federal safety regulations adopted in Subsection 103.02, the federal exemption will also be recognized under these rules. The Commission shall not administer a program to duplicate consideration or approval of federal exemptions on a state level. (3-30-01)

**104. REPORTING OF RAILROAD ACCIDENTS (RULE 104).**

The Commission incorporates by reference 49 C.F.R. Part 225 (October 1, 2014). Pursuant to 49 C.F.R. 225.1, all railroads that are required to file a copy of any accident/incident report with the Federal Railroad Administration shall also file a copy of such report with the Commission Secretary for accidents or incidents occurring in Idaho. Copies of accident or incident reports shall be mailed to: Commission Secretary, Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074 (208) 334-0338). Copies of such reports may also be provided by facsimile at (208) 334-3762 or by electronic mail, [secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov). (3-25-16)

**105. -- 999. (RESERVED)**

**IDAPA 31  
TITLE 81  
CHAPTER 01**

**31.81.01 – ENERGY CONSUMPTION REPORTING RULES**

**GENERAL PROVISIONS  
RULES 0 THROUGH 10**

**000. LEGAL AUTHORITY (RULE 0).**

These rules are promulgated pursuant to the authority of the Electric and Natural or Manufactured Gas Consumption from Ground Water Pumping Act (hereinafter the Energy Consumption Act), Chapter 13, Title 62, Idaho Code, and the Public Records Act, Section 74-107(13), Title 74, Idaho Code. (4-26-95)

**001. TITLE AND SCOPE (RULE 1).**

The title of these rules is the “Energy Consumption Reporting Rules.” These rules apply to all suppliers of electricity, or natural or manufactured gas, including public utilities, municipal, mutual nonprofit, and cooperative corporations. These rules should be construed in connection with the Energy Consumption Act, the Public Utilities Law, the Public Records Law, and other applicable state laws. Procedures in these Energy Consumption Reporting Rules will be liberally interpreted to secure a just, speedy and economical determination of issues presented to the Commission. Unless prohibited by statute or rule of substantive law, the Commission may permit deviation from procedural rules in these rules when it finds compliance with them is impracticable, unnecessary or not in the public interest. (4-26-95)

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (6-30-19)T

**003. ADMINISTRATIVE APPEALS (RULE 3).**

All administrative procedures under these rules are conducted under the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. (4-26-95)

**004. PUBLIC RECORD ACT COMPLIANCE (RULE 4).**

The energy consumption reports required by these rules are exempt from public disclosure and copying under Section 74-107(13), Idaho Code. (4-5-00)

**01. Report Summaries.** The Department may make summaries of such reports available upon written request provided that the identity of individual customers or accounts is protected from public disclosure and cannot be ascertained from the summaries. (4-26-95)

**02. Consumption Reports.** The Department may release consumption reports to state and federal entities for research purposes provided the identity of individual customers or accounts is protected from public disclosure and cannot be ascertained from the reports. (4-26-95)

**005. DEFINITIONS (RULE 5).**

Whenever any term used in these rules is defined or referred to in the Energy Consumption Act, that term takes its statutory definition in these rules. The following terms used in these rules are defined: (4-26-95)

**01. Commission.** The Idaho Public Utilities Commission. (4-26-95)

**02. Consumption Reports.** The reports created by the energy suppliers as authorized by these rules and submitted to the Department. (4-26-95)

**03. Department.** The Idaho Department of Water Resources. (4-26-95)

**04. Energy Suppliers.** All suppliers of electric power and natural or manufactured gas including all public utilities, municipal, mutual nonprofit, and cooperative corporations providing energy to an irrigation customer.

(4-26-95)

**05. Geographic Areas.** Hydrological basins with boundaries determined by the Department. The geographic areas are depicted in the Appendix to these rules. (4-26-95)

**06. Irrigation Customer.** A customer pumping ground water that is: (4-26-95)

**a.** Receiving service from an energy supplier under an irrigation service tariff or rate schedule; or (4-26-95)

**b.** Irrigating three (3) or more acres if such information is known to the energy supplier. (4-26-95)

**07. Irrigation Season.** As used in these rules means the calendar period from March 1 through October 31 or the energy supplier's billing cycles that include the calendar period. (4-26-95)

**08. Service Location.** The geographic position of the irrigation customer's pumping location(s) by address, pole number, legal description, longitude-latitude designations, or other description of where the service is delivered, to the extent such information is readily available to the energy supplier. (4-26-95)

**006. (RESERVED)**

**007. FORMS (RULE 7).**

The Department is authorized to produce and distribute forms to carry out these rules. (4-26-95)

**008. CORRESPONDENCE -- CHANGE OF ADDRESS (RULE 8).**

**01. Department's Mailing Address.** All correspondence with the Department regarding these rules or energy consumption reports should be addressed to:

Water Allocation Bureau  
Idaho Department of Water Resources  
PO Box 83720  
Boise, ID 83720-0098

The street address is: 322 E. Front St., Boise, ID 83720-0098. (4-26-95)

**02. Supplier's Mailing Address Must be Provided to Department.** Each energy supplier shall provide the Department with a name or department and its mailing address for the purpose of receiving notices and correspondence. Any change of address should be reported to the Department in writing. (4-26-95)

**009. -- 010. (RESERVED)**

**REPORTING RULES**  
**RULES 11 THROUGH 20**

**011. REQUEST FOR REPORTS (RULE 11).**

No later than July 1 of each year, the Department may request consumption reports from energy suppliers for the current irrigation season. (4-26-95)

**01. Notification by Department.** The Department shall notify energy suppliers serving specific geographic areas that consumption reports must be submitted. (4-26-95)

**02. Submission of Consumption Reports.** Once the Department requests the consumption reports, such reports shall be prepared and submitted to the Department as soon as possible following the close of the irrigation season but no later than January 5 of the following year. (4-26-95)

**012. CONTENTS OF CONSUMPTION REPORT (RULE 12).**

**01. Content of Consumption Reports.** Each consumption report shall contain, to the extent available, the full name of the customer, customer account number, service location, service location identification number, and the amount of energy consumed in kilowatt hours (KWH), or cubic feet of gas, or other applicable volume measurement for each service location. For each service location, the annual consumption report shall indicate the customer's energy consumption for each billing period during the irrigation season and the total energy consumption for the entire irrigation season. (4-26-95)

**02. Geographic Area(s) Covered in Consumption Report.** The energy supplier may file a consumption report covering the specific geographic area(s) set forth in the Department's notice or, at the discretion of the supplier, a report that encompasses a larger territory so long as the Department's designated areas are included. (4-26-95)

**013. REPORT FORMAT (RULE 13).**

Consumption reports will be forwarded to the Department in an electronic storage media in a format mutually acceptable to the Department and the energy supplier. If an agreement is not reached or if the supplier is unable to provide the consumption report in electronic media, the report shall be submitted in writing. (4-26-95)

**014. -- 020. (RESERVED)**

**REIMBURSEMENT RULES**  
**RULES 21 THROUGH 30**

**021. REIMBURSEMENT OF COSTS (RULE 21).**

Energy suppliers are entitled to reimbursement of the costs for preparing and submitting the consumption reports. Reimbursement shall be paid by the Department. (4-26-95)

**022. WHEN TO FILE REIMBURSEMENT CLAIM (RULE 22).**

Requests for reimbursement shall accompany the consumption reports. Energy suppliers seeking reimbursement shall itemize in sufficient detail their actual costs in preparing and submitting the data. (4-26-95)

**023. RESOLUTION OF REIMBURSEMENT DISPUTES (RULE 23).**

When an energy supplier and the Department are unable to resolve a reimbursement dispute, either party or both may seek informal dispute resolution with the Commission's staff. See IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Sections 021 through 024. If the outcome of the informal proceeding is unsatisfactory to either party, the aggrieved party may formally file a complaint with the Commission. See Sections 31.01.01.023 through 025, and 051 through 058. The Commission shall decide formal complaints in accordance with its Rules of Procedure, 31.01.01.000 et seq. (4-26-95)

**024. -- 999. (RESERVED)**